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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Eighth session
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Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its seventh session, held in Vienna from 17 to 28 January 2000

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I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

II. Organization of the session

A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its seventh session in Vienna from 17 to 28 January 2000. The Ad Hoc Committee held 20 meetings.

4. At its sixth session, held in Vienna from 6 to 17 December 1999, the Ad Hoc Committee had decided to consider at its seventh session articles 1-3, 5 and 6 of the revised draft United Nations Convention against Transnational Organized Crime, as well as to begin its second reading of the draft international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

5. After the opening of the seventh session of the Ad Hoc Committee by its Chairman, the Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention informed the Ad Hoc Committee that the Secretariat was encountering difficulties in obtaining the required authorization from the Controller in the Department of Management of the Secretariat for payment of the local costs of representatives from least developed countries, using extrabudgetary funds made available by certain Governments. Those difficulties stemmed from the fact that the Controller maintained that General Assembly resolution 53/111 did not provide a sufficient basis for departing from established rules and practice regarding the payment of such expenses. The Chairman informed the participants that the matter had been discussed in the bureau of the Ad Hoc Committee, which had recommended that the Ad Hoc Committee approve a draft resolution on the matter for adoption by the Assembly. The bureau had also recommended that the Ad Hoc Committee authorize its Chairman to write to the Secretary-General and request that he personally intervene in order to resolve the matter. The Ad Hoc Committee approved the recommendation of its bureau.

6. The representative of Ecuador, speaking on behalf of the Group of Latin American and Caribbean States, said that the members of the Group had, from the beginning, participated actively and constructively in the negotiating of the draft Convention and its draft protocols, convinced of the importance of those negotiations. The members of the Group had supported the initiative of the States members of the Group of 77 and China at the sixth session of the Ad Hoc Committee regarding the inclusion in the draft Convention of an article on implementation of the Convention through economic development and technical assistance. While expressing the hope that the pace of negotiations would be vigorous, the members of the Group of Latin American and Caribbean States were of the view that sufficient time and attention should be given to drafting coherent and functional

provisions that would meet the concerns of all States. The universality of the legal instruments depended not only on the number of signatories but also on the quality of the texts. Regarding the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4), the members of the Group were of the view that it was important to develop a legal instrument that would effectively target smugglers while protecting the rights of migrants. Therefore, the Protocol must take into account the relevant United Nations instruments on protection of migrants in connection with correcting social and economic imbalances. In the era of globalization, the Convention and the Protocols should be inspired by the need for international cooperation to contribute to the improvement of standards of living and increase opportunities, especially in developing countries. The members of the Group of Latin American and Caribbean States considered it important for the Protocol not to penalize migration, which was a social and historical phenomenon, or to convey an ambiguous message to the international community, which would stimulate xenophobia, intolerance and racism. The negotiation process should take into account the causes of migration and the reasons for the increasing vulnerability of migrants. Regarding the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.5), the members of the Group emphasized the need for the instrument to make it possible to react quickly to illicit trafficking in persons, especially when the victims were children. The representative emphasized the position of global leadership of the Group in the fight against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The representative announced that the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/53/78, annex), adopted by the General Assembly of the Organization of American States, would enter into force on 9 February 2000, following the deposit of the tenth instrument of ratification. The members of the Group of Latin American and Caribbean States were interested in ensuring the successful conclusion of the negotiations on the draft Firearms Protocol, in order for the instrument to be effective. The members of the Group were in favour of a recommendation by the Ad Hoc Committee to the Commission on Crime Prevention and Criminal Justice regarding the development of a broad international legal instrument against corruption. The representative noted that the principal objective and premise of the Convention and its protocols should be to promote international cooperation through shared responsibility in order to achieve more balanced international conditions, taking into account the situation of developing countries and with full respect for the principles of sovereignty and non-intervention enshrined in the Charter of the United Nations.

7. At its 100th meeting, the Ad Hoc Committee approved a draft resolution submitted by its Chairman, entitled "Participation in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime" (A/AC.254/L.136). For the text of the draft resolution see annex II to the present report.

8. At its 101st meeting, the Ad Hoc Committee was informed by its Chairman that the matter of the provision of assistance to least developed countries to ensure their participation in its work had been resolved for its seventh session. The Chairman requested that the Secretariat keep the matter under review in order to ensure that similar payments would be made at the remaining sessions of the Ad Hoc Committee, subject to the availability of extrabudgetary funds provided for that purpose.

B. Attendance

9. The seventh session of the Ad Hoc Committee was attended by representatives of 109 States. Also attending the seventh session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

10. At its 97th meeting, on 17 January 2000, the Ad Hoc Committee adopted the following agenda for its seventh session:

1. Opening of the seventh session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6.
4. Implementation of General Assembly resolution 54/128, entitled "Action against corruption".
5. Consideration of the additional international legal instruments against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
6. Adoption of the report of the Ad Hoc Committee on its seventh session.

D. Documentation

11. At its seventh session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Cameroon, Canada, China, France, Hungary, Norway, Switzerland, the Syrian Arab Republic, Tajikistan and the United States of America. A list of documents is contained in annex III to the present report.

III. Discussion on the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 1-3, 5 and 6

12. At its 97th-105th meetings, the Ad Hoc Committee discussed articles 1-3, 5 and 6 of the draft Convention. The Ad Hoc Committee based its work on the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.6) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.17, A/AC.254/L.130, A/AC.254/L.132, A/AC.254/L.134 and A/AC.254/L.138). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by informal working groups, either at the request of the Chairman or on the basis

of the Chairman's summaries (A/AC.254/L.139 and A/AC.254/L.140). Having completed the second reading of the draft Convention at its sixth session, the Ad Hoc Committee, in accordance with the relevant recommendation of its Chairman, began the process of reaching agreement on the final text. The progress achieved by the Ad Hoc Committee at its seventh session will be reflected in a new version of the draft Convention.[1]

13. The Ad Hoc Committee approved articles 1 and 5 of the draft Convention, without amendment. The approved text of those articles was included in document A/AC.254/L.147/Add.2.

14. The Ad Hoc Committee provisionally approved paragraphs 3 and 4 of article 2, as amended. However, the Ad Hoc Committee decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text in the light of the results of future negotiations on other articles of the draft Convention that might have a bearing on the scope of the instrument. The Ad Hoc Committee also decided to use as a basis for further consideration of those paragraphs the text proposed by the representative of the Netherlands, in her capacity as the coordinator of an informal working group set up to discuss paragraphs 1 and 2 of article 2 at the request of the Chairman of the Ad Hoc Committee. The new version of paragraphs 1 and 2 and the approved text of paragraphs 3 and 4 of article 2 were included in document A/AC.254/L.147/Add.2. The representative of Uruguay, speaking on behalf of the Group of 77 and China, expressed a preference for the previous version of paragraphs 1 and 2, which was contained in document A/AC.254/4/Rev.6.

15. The Ad Hoc Committee approved subparagraphs (b)-(i) of article 2 *bis*, as amended. The Ad Hoc Committee decided to keep the current text of subparagraph (a) as the basis for further consideration, also in connection with article 2 of the draft Convention. The Ad Hoc Committee also decided to reconsider the substance of subparagraph (k) of article 2 *bis* when finalizing the text of article 4 *bis* of the draft Convention. The new version of article 2 *bis*, including the approved text thereof, was included in document A/AC.254/L.147/Add.2.

16. In the discussion on the definition of the term "structured group", the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that the term was to be used in a broader sense and that it would include both groups with a hierarchical or other elaborate structure and non-hierarchical groups where the roles of the members of the group need not be formally defined. There need not be continuity in the composition of the group. However, the term would not include groups formed on an ad hoc basis for the immediate commission of an offence, such as groups formed randomly in the course of a riot.

17. The Ad Hoc Committee also approved articles 3 and 6 of the draft Convention, as amended. The approved text of those articles was included in document A/AC.254/L.147/Add.2. In connection with article 3, the delegation of Colombia was concerned about the formulation of paragraph 3, which could be interpreted to permit unilateral declarations by States Parties that might amount to reservations.

18. In connection with paragraph 4 of article 6, on early release or parole (A/AC.254/L.147/Add.2), the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that paragraph 4 would not oblige States Parties to provide for early release or parole to imprisoned persons if the legal systems of the States Parties in question did not provide for early release or parole. It was the understanding of

[1] To be issued subsequently as document A/AC.254/4/Rev.7.

the Ad Hoc Committee that paragraph 4 would not apply to those legal systems that did not foresee the possibility of early release or parole.

19. The Ad Hoc Committee decided that, at a later stage in its deliberations, it would ensure consistency in the wording of clauses containing references to national legal principles or systems.

IV. Discussion on the implementation of General Assembly resolution 54/128, entitled "Action against corruption"

20. At its sixth session, the Ad Hoc Committee decided to consider the implementation of General Assembly resolution 54/128 of 17 December 1999, entitled "Action against corruption". In that resolution, the Assembly had requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations Convention against Transnational Organized Crime, to be developed after the finalization of the Convention and the three protocols thereto, and to present its views to the Commission on Crime Prevention and Criminal Justice.

21. The Ad Hoc Committee considered item 4 of its agenda at its 106th meeting, on 21 January 2000. The Ad Hoc Committee was of the view that an effective international legal instrument against corruption was desirable. The Ad Hoc Committee agreed that such an international instrument should be independent of the United Nations Convention against Transnational Organized Crime and that its drafting should commence following the completion of the negotiations on the draft Convention and the draft protocols thereto. The Ad Hoc Committee was of the view that the terms of reference and outline of scope of the new instrument should be based on sound preparatory work, which would include a thorough review and analysis of all relevant international instruments and recommendations. The analysis should be undertaken by the Secretariat in consultation with Member States and should be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session. The Ad Hoc Committee discussed whether the General Assembly should be requested to extend the current mandate of the Ad Hoc Committee to enable it to develop the new instrument, on the basis of a recommendation by the Commission to the General Assembly. It was noted that, in considering that matter, it would be advisable for the Commission to take into account the experience and expertise acquired by the Ad Hoc Committee in developing the draft Convention and its draft protocols, as well as the need to build on the success of the Ad Hoc Committee in dealing with such complex matters. It was agreed that the Ad Hoc Committee would transmit its views and recommendations on the implementation of Assembly resolution 54/128 to the Commission at its ninth session for appropriate action.

V. Discussion on the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

22. At its 107th to 116th meetings, the Ad Hoc Committee discussed the additional legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It based its work on a document containing the revised draft

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.18, A/AC.254/L.129, A/AC.254/L.133, A/AC.254/L.137, A/AC.254/L.142 and A/AC.254/L.143). The Ad Hoc Committee was informed of a legal opinion provided by the Office of Legal Affairs of the Secretariat regarding the interpretation of General Assembly resolution 54/127 of 17 December 1999. Following a discussion on the matter, the Ad Hoc Committee at its seventh session decided to remove references to explosives from the draft Protocol.

23. At its seventh session, the Ad Hoc Committee completed its second reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft protocols thereto. The new version of the articles of the draft Protocol considered by the Ad Hoc Committee at its seventh session was included in document A/AC.254/L.147/Add.3. The progress achieved on the draft Protocol by the Ad Hoc Committee at its seventh session will be reflected in a new version of the draft Protocol.[2]

VI. Informal consultations

24. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.

25. At its sixth session, the Ad Hoc Committee had decided to devote the informal consultations to be held from 18 to 21 January 2000 to the consideration of the additional international legal instrument against trafficking in persons, especially women and children, and common provisions of that instrument and the additional international legal instrument against illegal trafficking in and transporting of migrants. Also at its sixth session, the Ad Hoc Committee decided to devote the informal consultations to be held from 24 to 27 January 2000 to the consideration of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its eighth session. The documents made available to the Ad Hoc Committee for its informal consultations were A/AC.254/4/Rev.6, A/AC.254/4/Add.3/Rev.5, A/AC.254/4/Add.2/Rev.3, A/AC.254/5/Add.17, A/AC.254/5/Add.19, A/AC.254/L.135, A/AC.254/L.141 and A/AC.254/L.144.

26. The recommendations of the informal consultations (A/AC.254/L.145 and A/AC.254/L.146) were submitted to the Ad Hoc Committee by the chairmen of the consultations.

VII. Adoption of the report of the Ad Hoc Committee on its seventh session

27. Prior to the adoption of the report of the Ad Hoc Committee on its seventh session, the representative of Uruguay made a statement on behalf of the Group of 77 and China. He underlined the importance of producing acceptable and effective results through

[2] To be issued subsequently as document A/AC.254/4/Add.2/Rev.4.

methodical and conscientious work and requested that the necessary time be taken during the negotiation process to address complex matters comprehensively. Regarding the scope of application of the Convention, he stated that it was not possible for the Convention to include provisions that did not relate to acts of a transnational character or to the conduct of organized criminal groups. He recognized that, in the spirit of international cooperation, the provisions of the Convention relating to judicial assistance might be applied where the offence was serious and involved an organized criminal group. He stated that the members of the Group of 77 and China had reaffirmed their commitment to the negotiation process and had pledged their continued support to the successful conclusion of the Convention. He emphasized that the final decision on the adoption of the Convention would be taken at the political level, by the General Assembly.

28. At its 106th meeting, on 28 January 2000, the Ad Hoc Committee adopted the report on its seventh session (A/AC.254/L.147).

29. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its eighth session, to be held in Vienna from 21 February to 3 March 2000 (A/AC.254/L.147/Add.1).[3]

30. Also at the same meeting, the Ad Hoc Committee reiterated its support to the continued efforts by its Chairman and the Secretariat to find an appropriate solution to the question of ensuring the provision of assistance to least developed countries to facilitate their participation in the remaining sessions of the Ad Hoc Committee.

[3] To be issued subsequently as document A/AC.254/26.

Annex I

List of participants

States

Afghanistan	Farid A. Amin
Algeria	Mokhtar Reguieg, Salah Francis El-Hamdi, Linda Briza
Angola	Astrigildo Joao Pedro Culolo, Antoino João Dias dos Santos, José L. Bravo da Costa
Argentina	Juan Carlos Kreckler, Juan de Lezica, Martín Recondo, Beatriz Vivas de Lezica
Australia	Annette Willing, Robyn Stern, Helen Stylianou, Suzanne Tatam
Austria	Irene Freudenschuss-Reichl, Hans-Peter Manz, Fritz Zede, Stefan Benner, Walter Grosinger, Alfred Schnabel, Christian Fellner, Elisabeth Marschang, Christian Ebner, Barbara Fürnkranz, Burkard Mühl
Azerbaijan	Vaqif Sadiqov, Fikret Axundov
Belarus	Valyantsin M. Fisenka, Olga Zvereva
Belgium	Michel Adam, Peter Huyghebaert, J. S. Jamart, Wouter Boucique, Tina Scholiers, W. de Meyer, M. F. Gazan
Benin	Antoine Gouhouede
Bolivia	Jaime Niño de Guzmán, María Esther Salguero, Juan Ignacio Siles
Brazil	José Oswaldo Pereira Vieira, Elizabeth Sussekind, Roberto Pfeiffer, Manoel Gomes-Pereira, Jose Jorge Alcazar Almeida, Luis Ivaldo Villafane Gomes Santos
Bulgaria	Ivan Naydenov, Traiko Spasov
Burkina Faso	Adama Ouedraogo, Thomas Dakouré, Zingué Wetta
Cameroon	Egbe Achuo Hillmann, Bisseck Raphael, Tehane Levi, Ename Atangana, Eheth Salomon, Yay Jean Gabriel, Ela Emmanuel Thierry, Ndimba Wenceslas de Bohème
Canada	Keith Morrill, Alan Morgan, Robert Sinclair, Audrey Tomick, Bernard Charland, Debra Normoyle, Jacques Lemire, James Hayes, Karen Kastner, Murray Smith, Mike Buisson, Fermo Stefanelli, Susan Spenard
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Chile	José Luis Balmaceda, Rosa Melendez, Patricio Powell
China	Zhang Yishan, Wang Guixiao, Liu Yinghai, Diao Mingsheng, Zhai Jinrong, Sun Ang, Wang Xiaolin, Zhang Shen, Han Daming, Zhou Dongsheng, Wu Gang, Xu Yu, Zhang Yi, Wang Damin

Colombia	Héctor Charry Samper, Carlos Rodríguez Bocanegra, Diana Patricia Mejia Molina
Comoros	Mirhane Borhane
Costa Rica	Stella Aviram Neuman
Croatia	Mario Nobilo, Ranko Vilović, Željko Horvatić, Zoran Nekić, Marijana Kujundžić
Cuba	Luis García Peraza, Aurora Gramatges López, José Cala
Cyprus	Nicolaos D. Macris, Eva Papakyriakou, Antonios Theocharous
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Denmark	Gitte Hundahl, Rikke Freil Schaumann, Carsten Kristian Vollmer, Lise Puggaard, Ingeborg Gade, Michael Boolsen, Jette Bjerg Clausen, Anders Karlsen, Carsten Krogh
Djibouti	Omar Houssein Hassan
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Greece	Konstantinos Matzoukas, Ekaterini Fountoulaki, Ioannis Aggelis, Grigorios Balakos
Guatemala	Sylvia Wohlers de Meie, Juan Pablo Diaz Castillo
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India	Jayant Umranikar
Indonesia	Sapartini S. Kuntijoro Jakti, Sadewo Joedo, Diar Nurbintoro

Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Amir Hossein Zamaninia, Ali Hajigholam Saryazdi, Mahmoud Khani Joyabadi
Ireland	Tony McDermottroe, Elizabeth Walsh, Donacha O'Sullivan, Ruth Fitzgerald
Italy	Vincenzo Manno, Umberto Leanza, Gioacchino Polimeni, Massimo Curcio, Luigi Sico, Roberta Barberini, Giancarlo R. Bellelli, Maria Grazia Giammarinaro, Giusto Sciacchitano, Francesca Marcelli, Elisabetta Rosi, Gualtiero Michelini, Ennio di Francesco, Vincenzo Delicato, Tiziana Terribile, Gianfranco Clemente, Castore Palmerini, Giovanni C. Olimbo, Alfredo Nunzi, Francesco Natale, Umberto de Augustinis, Ludovica Soderini
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Luxembourg	Georges Santer, Martine Solovieff, Pierre Franck
Madagascar	Maurice Randrianame
Malawi	Tumalisye K. Ndovi
Malaysia	Ahmad Anwar Adnan
Malta	Carmel A. Agius
Mauritius	Chooramun Jassodanand
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Morocco	Abderrahim Benmoussa, Abdellatif Saadi
Mozambique	Zainandine Dalsuco, Lourenço Mavie, Hélio Nhantumbo, Linder Lucas Gazela
Myanmar	Win Naing
Namibia	Lineekela J. Mboti, Simon M. Maruta

Netherlands	Jaap Ramaker, Marjorie Bonn, Jan Peek, Peter Brouns, Just Wiarda, Hans Bevers, M. Bruinsma, Dennis de Jong, Esther Loeffen, Michiel Bierkens
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Nicaragua	Alberto Altamirano Lacayo
Niger	Abdou Adamou
Nigeria	Dahiru Adamu, Abel Adelekun Ayoko
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Romania	Adrian Viertia
Russian Federation	Sergei N. Karev, Valery V. Loshchinin, Sergei S. Bulavin, A. Koulba, V. Baranov, Valentine I. Mikhailov, Anatoly V. Grinenko, I. Meledjayev, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov
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Singapore	Mathew Joseph, Daniel Poh-Thai Yong

Slovakia	Alojz Némethy, Zuzana Chudá, Oksana Tomová, Vladimír Kotulič, Pavol Slopovský, Josef Szabo
Slovenia	Bojan Bertoncelj, Peter Japelj
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Sri Lanka	C. S. Poolokasingham, Piyasiri Lokugalappaththi
Sudan	Abdel Chaffar A. Hassan, Abdel Nasir Abdel Aziz Ahmed, Isaac Chinkok Kenti, Kureng Akei Pac
Swaziland	Lydia S. Dlamini
Sweden	Örjan Landelius, Erika Hemtke, Håkan Öberg, Christer Ahlström
Switzerland	Urs Breiter, Anita Marfurt, Daniel Wüger, Lorenza Rossini, Roman Hunger, Stefano Toscano
Syrian Arab Republic	Ibrahim Nassar, Jawad Nabouti
Thailand	Sorayouth Prompoj, Sutee Thaichinda, Morakot Sriswasdi, Suphanvasa Chotikajan
Togo	Joachim Bénivi Beni-Locco
Tunisia	Abdelaziz Chaabane, Emma Lazoughli, Sabri Chaabani, Nabil Ammar
Turkey	Yasar Yakis, A. Asim Arar, M. Aydin Özbay, Macide Erdener, Recep Kaplan
Ukraine	Volodymyr Ohrysko, Yevgen Strekalov, Roman Sishchuk, Viktoria Kuvshynnykova
United Arab Emirates	Mohamed Mahmoud Al Kamali, Abdullah Yusuf Al Shamsi, Abdulrahim Mohamed Sinkais Al Awadi, Abdullah Al Falasi, Khaled Mohd. Kadfour Al Mohairi, Awad Salem Ali Al Hasani
United Kingdom of Great Britain and Northern Ireland	John Patrick George Freeman, Richard Bradley, Mark Etherton, Peter Storr, Stephen Jones, Doug Dalziel, Neil Clowes, Gerry Liddell, Alison Dick, David Lusher, Andrew Lewis, Spencer Chilvers
United Republic of Tanzania	Dominic Hayuma

United States of America	Rob Boone, Elizabeth G. Verville, Laura E. Kennedy, Kathleen W. Barmon, Thomas N. Burrows, Mary Helen Carlson, Kenneth Croke, Nan Donnells, Mark Fleming, Kenneth Harris, Sherman Hinson, Kenneth Keller, William Kullman, Bess Michael, Enrique Perez, Kenneth Propp, James Puleo, Linda Samuel, Pierre St. Hilaire, Mary Ellen Warlow, Steven C. Warnath, Teresa Ficaretta
Uruguay	Jorge Talice, Fructuoso Pittaluga-Fonseca, Gustavo Alvarez, Elena Fajardo
Uzbekistan	Salokhiddin O. Akramkhodjayev, Lina R. Khachaturova
Venezuela	Fidel Garófalo Laya, Neiza Pineda Viloria
Viet Nam	Hoang Thi Ninh
Yemen	Ahmed Alwan Mulhi, Naggeb Ismail Ali
Zambia	Francis K. Ndhlovu
Zimbabwe	Solomon Mubatapasan Go, Phelekezela Mphoko

United Nations Secretariat units

Office for Drug Control and Crime Prevention

United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network

Office of the United Nations High Commissioner for Refugees

International Institute of Higher Studies in Criminal Sciences

Specialized agencies and other organizations of the United Nations system

United Nations Educational, Scientific and Cultural Organization

Other intergovernmental organizations

Asian-African Legal Consultative Committee, Association of South-East Asian Nations, European Commission, Financial Action Task Force on Money-Laundering, International Centre for Migration Policy Development, International Criminal Police Organization, Organization for Security and Cooperation in Europe, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status

International Council of Women, Zonta International

Special consultative status

Asia Crime Prevention Foundation, Association for the Study of the World Refugee Problem, Disabled Peoples' International, International Commission of Jurists, International Council on Alcohol and Addictions, International Federation of University Women, International Fellowship of Reconciliation, International Human Rights Law Group, International League for Human Rights, International Real Estate Federation, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E. V., Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Federation for Mental Health, World Society of Victimology

Roster

National Rifle Association of America/Institute for Legislative Action, Sporting Shooters Association of Australia, Verification Technology Information Centre

Annex II

Draft resolution submitted by the Chairman of the Ad Hoc Committee

The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime requests the General Assembly to give urgent attention to the following draft resolution:

"*Participation in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime*

"*The General Assembly*,

"*Recalling* its resolution 53/111 of 9 December 1998, in which it invited donor countries to cooperate with developing countries to ensure their full participation in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime,

"*Recalling also* other pertinent resolutions and the Secretary-General's bulletin[d] on rules governing payment of travel expenses and subsistence allowances in respect of members of organs or subsidiary organs of the United Nations,

"*Recalling further* the reports of the Ad Hoc Committee on its first[e] and sixth[f] sessions and the valuable contribution of the delegations of least developed countries to the preparation of the draft United Nations Convention against Transnational Organized Crime,

"*Commending* donor countries for their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund to support financially the participation of least developed countries in the work of the Ad Hoc Committee,

"*Requests* the Secretary-General, using extrabudgetary resources provided for that purpose, to reimburse and continue to cover the travel expenses of representatives of least developed countries, in order to enable them to attend the sessions of the Ad Hoc Committee, and to provide financial support to the representatives of those countries, in order to assist them in meeting local expenses, to the extent that extrabudgetary resources permit."

[d] ST/SGB/107/Rev.6.

[e] A/AC.254/9.

[f] A/AC.254/23 and Corr.1.

Annex III

List of documents before the Ad Hoc Committee at its seventh session

Document symbol	*Title or description*
A/AC.254/4/Rev.6	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.4	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.2/Rev.3	Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.3/Rev.5	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.17	Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.18	Proposals and contributions received from Governments on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.19	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/23 and Corr.1	Report of Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its sixth session, held in Vienna from 6 to 17 December 1999
A/AC.254/24	Annotated provisional agenda and proposed organization of work for the seventh session of the Ad Hoc Committee

A/AC.254/L.129	Canada: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.130	Tajikistan: amendments to the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.131	Syrian Arab Republic: amendments to articles 1-7 *bis* and 9 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.132	France: amendment to article 2 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.133	Syrian Arab Republic: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, supplementary to the United Nations Convention against Transnational Organized Crime
A/AC.254/L.134	Cameroon: amendments to articles 1, 2, 2 *bis*, 3, 5 and 6 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.135	Switzerland: amendments to article 9 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.136	Draft resolution submitted by the Chairman
A/AC.254/L.137	China: position paper on issues pertaining to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.138	Hungary: amendment to article 5 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.139	Informal working group on article 3 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.140	Open-ended informal working group on article 2, paragraphs 1 and 2, as well as on the question of the list

A/AC.254/L.141	United States of America: amendments to articles 4 and 6 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.142	Norway: amendments to articles 5, 9 and 11 of the revised draft Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.143	United Kingdom of Great Britain and Northern Ireland: amendments to article 10 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.144	Russian Federation: amendment to article 7 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.145	Report of the Chairpersons of the informal consultations on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.145/Add.1	Report of the Chairpersons of the informal consultations on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: text of articles 1-8 of the revised draft Protocol
A/AC.254/L.146	Report of the informal consultations on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.146/Add.1	Report of the informal consultations on the revised draft United Nations Convention against Transnational Organized Crime: text of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.147	Draft report
A/AC.254/L.147/Add.1	Draft provisional agenda and proposed organization of work for the eighth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 21 February to 3 March 2000

A/AC.254/L.147/Add.2	Articles 1-3, 5 and 6 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.147/Add.3	Articles 1-18 *bis* of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.148	Australia: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.23	Resolutions on the proliferation of and illicit trafficking in small arms and light weapons and on the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted by the General Assembly of the Organization of American States
A/AC.254/CRP.24	Communication dated 5 January 2000 from the Principal Legal Officer, Officer-in-Charge of the Office of the Legal Counsel, to the Senior Legal Liaison Officer of the United Nations Office at Vienna on whether the illicit manufacturing of and trafficking in explosives may be included within the scope of the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

United Nations A/AC.254/26

General Assembly

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Eighth session
Vienna, 21 February-3 March 2000

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the eighth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*.
4. Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants.
5. Adoption of the report of the Ad Hoc Committee on its eighth session.

V.00-50659 (E)

Annotations

1. Opening of the eighth session of the Ad Hoc Committee

The eighth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 21 February 2000, at 10 a.m.

2. Adoption of the agenda and organization of work

At its seventh session, held in Vienna from 17 to 28 January 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its eighth session (A/AC.254/L.147/Add.1). The Ad Hoc Committee decided that at its eighth session it would devote five days to the consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7,7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*, dealing with the scope of application, the use of terms, the criminalization of laundering of the proceeds of crime, measures to combat money-laundering, the criminalization of corruption, measures against corruption, confiscation and seizure, international cooperation for purposes of confiscation, the disposal of confiscated assets, the establishment of criminal record, the criminalization of obstruction of justice, the protection of witnesses, assistance to victims, and measures to enhance cooperation with law enforcement authorities.

The Ad Hoc Committee also decided to devote five days to the consideration of the draft text of the additional international legal instrument against illegal trafficking in and transporting of migrants.

The resources available to the Ad Hoc Committee at its eighth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the eighth session of the Ad Hoc Committee, including the order in which the above-mentioned articles of the draft Convention will be considered by the Ad Hoc Committee.

3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its

fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30. At its seventh session, the Ad Hoc Committee began the finalization of the draft Convention by considering articles 1-3, 5 and 6.

Also at its seventh session, the Ad Hoc Committee decided that at its eighth session it would continue the finalization of the draft Convention by considering articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*. That decision was made on the understanding that, should the Ad Hoc Committee finalize those articles with time remaining at its eighth session, it would proceed to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the finalization of articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of other articles. In the negotiation of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its seventh session (A/AC.254/L.146 and Add.1). The revised version of those articles, reflecting the recommendations of the informal consultations held at the seventh session of the Ad Hoc Committee, has been included in the revised version of the draft Convention that will be before the Ad Hoc Committee at its eighth session (A/AC.254/4/Rev.7).

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.7)

Proposals and contributions received from Governments (A/AC.254/5/Add.20)

Background documents

Analytical study on serious crime prepared by the Secretariat (A/AC.254/22 and Corr.1 and Add.1)

4. Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants

In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In the same resolution, the Assembly requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

At its first, fourth and sixth sessions, the Ad Hoc Committee carried out a first reading of the draft instrument against illegal trafficking in and transporting of migrants. At its sixth session and at the informal consultations held during its

seventh session, the Ad Hoc Committee considered provisions that that draft instrument might have in common with the draft instrument against trafficking in persons, especially women and children.

In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000. The Assembly also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

Documentation

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4)

Proposals and contributions received from Governments (A/AC.254/5/Add.21)

Background documents

International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea (A/AC.254/CRP.3)

Informal consultations

At its fourth session, the Ad Hoc Committee decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate (A/AC.254/17, para. 25). The holding of such consultations would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings, and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth and sixth sessions permitted the holding of eight parallel informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of each session. The resources available to the Ad Hoc Committee at its seventh session permitted the holding of 16 parallel informal consultations.

The resources available to the Ad Hoc Committee at its eighth session will permit the holding of 16 parallel informal consultations from Tuesday, 22 February, to

Thursday, 2 March 2000. At its seventh session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 22 February, to Friday, 25 February 2000, to the consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Also at its seventh session, the Ad Hoc Committee decided to devote the informal consultations to be held from Monday, 28 February, to Thursday, 2 March 2000, to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session.

The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.7)

Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.4)

Proposals and contributions received from Governments (A/AC.254/5/Add.20)

Proposals and contributions received from Governments (A/AC.254/5/Add.22)

5. **Adoption of the report of the Ad Hoc Committee on its eighth session**

The Ad Hoc Committee is to adopt a report on its eighth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the eighth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 21 February to 3 March 2000

A. Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 21 February	10 a.m.-1 p.m. and 3-6 p.m.	1	Opening of the eighth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on the following articles (listed in the order in which they are to be considered): 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 4 *ter*, 4 *quater*, 17 *bis*, 17, 18, 18 *bis*, 18 *ter*, 2 and 2 *bis* (subparagraph (a) only)
Tuesday, 22 February-Friday, 25 February	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
Monday, 28 February	10 a.m.-1 p.m. and 3-6 p.m.	4	Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants
Tuesday, 29 February-Thursday, 2 March	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation of the discussion
Friday, 3 March	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Adoption of the report of the Ad Hoc Committee on its eighth session

B. Informal consultations

Date	*Time*	*Subject*
Tuesday, 22 February-Friday, 25 February	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
Monday, 28 February-Thursday, 2 March	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16

United Nations A/AC.254/27

General Assembly

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Note by the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the International Organization for Migration on the draft protocols concerning migrant smuggling and trafficking in persons

A. Introduction and general observations

1. The Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM) wish, at the outset, to express their support for the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. The Office, UNICEF and IOM are greatly encouraged by the fact that Member States have agreed to develop specific instruments in relation to the smuggling of migrants (revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4)), "Migrant Protocol", and the trafficking in persons (revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.5)), the "Trafficking Protocol". The present note raises a number of outstanding concerns in relation to the two Protocols. The Office, UNICEF and IOM are particularly eager to assist States in ensuring that those instruments do not conflict with or otherwise undermine existing international legal standards.

2. One issue that the Office, UNICEF and IOM would like to raise at the outset is the question of the relationship between the two draft Protocols. While work has been done on identifying common provisions, little or no discussion has taken place on the potential for conflict between them. The distinction that has been made between trafficked persons and smuggled migrants is evidently a useful one. However, the Office, UNICEF and IOM are aware that such distinctions are less clear on the ground, where there is considerable movement and overlapping between the two categories. During the informal consultations devoted to consideration of the draft Protocols, it was determined that trafficked persons

are to be granted protections additional to those accorded to smuggled migrants. However, there is little guidance in either instrument regarding how the identification process is to be made and by whom. The informal consultations may wish to consider the implications of the fact that, according to the current drafts, identifying an individual as a trafficked person carries different responsibilities for the State Party concerned than is the case when that same person is identified as a smuggled migrant. The informal consultations may also wish to consider the possible consequences of a State ratifying one but not both instruments.

B. Draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

1. Purpose of the Protocol

3. The Office, UNICEF and IOM fully support the view expressed during the informal consultations that the Trafficking Protocol is to have two main purposes: to contribute to the elimination of trafficking through transnational organized crime; and to extend support and protection to victims of trafficking. In the spirit of that commitment, it is proposed that both purposes be explicitly set out in article 1 of the Protocol.

2. Definition of trafficking

4. The Office, UNICEF and IOM support a broad and comprehensive definition of trafficking and advocate a revised version of the current option 1 of article 2, which would make specific reference to trafficking as the recruitment, transportation, transfer or harbouring or receipt of any person for any purpose or in any form, including the recruitment, transportation, transfer or harbouring or receipt of any person by the threat or use of force or by abduction, fraud, deception, coercion or abuse of power for the purposes of slavery, forced labour (including bonded labour or debt bondage) and servitude. The term "servitude", when used in this context, should be understood to include practices that have been defined elsewhere as "contemporary forms of slavery", such as forced prostitution. As noted in the previous submission of the United Nations High Commissioner for Human Rights (A/AC.254/16, para. 12), the references to slavery, forced labour, bonded labour and servitude are consistent with existing international law (see, for example, article 8 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex)).

3. Definition of trafficking in children

5. The Office, UNICEF and IOM support a separate definition of trafficking in children. That definition should include reference to the recruitment, transportation, transfer or harbouring or receipt of any child or the giving of any payment or benefits to achieve the consent of a person having control over a child for the purposes specified in paragraph 4 above, as well as for the purpose of using, procuring or offering a child for sexual exploitation, including the production of pornography, or for pornographic services. In addition, in the context of the Protocol and in accordance with the Convention on the Rights of the Child (resolution 44/25, annex), "child" should refer to any person under the age of 18 years. In relation to the terms "child prostitution" and "pornography", reference could usefully be made to the relevant provisions of the Convention concerning

the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention 182), adopted by the General Conference of the International Labour Organization on 17 June 1999.

4. Protecting the rights and interests of trafficked children

6. The Protocol should include an explicit acknowledgement of the fact that children have special rights under international law, and in particular in the light of the Convention on the Rights of the Child; that child victims of trafficking have special needs that must be recognized and met by States Parties; that States are obliged to take measures to prevent trafficking of children; and that in dealing with child victims of trafficking, the best interests of the child (including the specific right to physical and psychological recovery and social integration) are to be at all times paramount. Also important is clear recognition of the need to fight the impunity of those responsible for the trafficking, while at the same time ensuring that the child is not criminalized in any way. In that context, it should be noted that the overwhelming majority of States are already under such legal obligations through their ratification of the Convention on the Rights of the Child. Existing international law would also appear to require States to ensure, *inter alia*, that assistance and protection of child victims of trafficking is not made discretionary or otherwise dependent on the decision of national authorities. In accordance with article 2 of the Convention, child victims of trafficking are entitled to the same protection as nationals of the receiving State in all matters, including those relating to protection of their privacy and physical and moral integrity.

5. Protection of trafficked persons

7. The Office, UNICEF and IOM note that the key provisions of article 4 (assistance for and protection of victims of trafficking in persons) remain qualified by the term "in appropriate cases". It is submitted that such a qualification is unnecessarily restrictive and not in accordance with international human rights law, which clearly provides that victims of human rights violations such as trafficking should be provided with access to adequate and appropriate remedies. At a minimum, States Parties should be obliged to provide information to trafficking victims on the possibility of obtaining remedies, including compensation for trafficking and other criminal acts to which they have been subjected, and to render assistance to such victims, giving particular attention to the special needs of children, to enable them to obtain the remedies to which they are entitled.

6. Status and repatriation

8. The attention of the informal consultations is drawn to the previous submission of the Office, in which the High Commissioner for Human Rights expressed the view that "safe and, as far as possible, voluntary return must be at the core of any credible protection strategy for trafficked persons. A failure to include provision for safe and (to the extent possible) voluntary return would amount to little more than an endorsement of the forced deportation and repatriation of victims of trafficking. When trafficking occurs in the context of organized crime, such an endorsement presents an unacceptable safety risk to victims" (A/AC.254/16, para. 20).

9. The Office, UNICEF and IOM urge the informal consultations to ensure, at a very minimum, that the identification of an individual as a trafficked person is sufficient to ensure that immediate expulsion against the will of the victim does not occur, and that the protection and assistance provisions of the Protocol become immediately applicable.

Special attention must be given to the situation of children, from protecting and ensuring all their rights, such as the rights to education and health care, to locating their families, as well as ensuring that sensitive and appropriate measures are taken to reconcile the children with their families.

7. Border controls

10. The current draft provisions on border controls contained in article 8 appear somewhat at odds with the stated purposes of the Trafficking Protocol, and call into question the accepted distinction between trafficked persons and smuggled migrants. The Office, UNICEF and IOM agree with the comments made by several delegations at the sixth session of the Ad Hoc Committee that such provisions could operate to restrain the liberty of movement of the persons who are subject to protection under the Protocol. Given that the majority of trafficked persons are women and girls, the imposition of such restrictions would be, prima facie, discriminatory. It is clear that the strengthening of border controls is an important aspect of preventing trafficking. However, emphasis should be placed, in article 8, on measures to assist border authorities in identifying and protecting victims, as well as intercepting traffickers.

11. In addition, while States have a legitimate interest in strengthening border controls to detect and prevent trafficking, the Office, UNICEF and IOM are concerned about the need to ensure that the measures do not impinge upon the human rights of individuals as set out in the major international instruments, including the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees of 1951[1] and the Convention on the Rights of the Child. It is especially important to ensure that border measures do not limit the right of individuals to seek and enjoy in other countries asylum from persecution as provided for under the Convention relating to the Status of Refugees. In particular, provisions of the draft Protocol should not undermine the fundamental principle of *non-refoulement* (see para. 21 below).

8. Prevention of trafficking in persons

12. The Office, UNICEF and IOM support the proposal for a simplified version of the protection provisions currently set out in the draft Protocol in order to ensure clarity of obligation and flexibility in dealing with new forms of trafficking as and when they arise. However, it is important that the proposed revision should be based on an understanding and acceptance of the root causes of trafficking, including economic factors such as poverty, unemployment and indebtedness; social and cultural factors such as violence against women and girls and gender discrimination in the family and the community and by the State; political and legal factors such as a lack of appropriate legislation and corruption in the public sector; and international factors such as the growing feminization of labour migration, on the one hand, and increasingly restrictive immigration policies of recipient countries, on the other. While it is clearly beyond the scope of the Protocol to address those additional issues in any depth, reference could usefully be made to steps that could be taken by States Parties to address the root causes of trafficking. Such steps could include legal measures as well as the social and economic initiatives already referred to in article 10, paragraph 2, of the draft Protocol.

13. It is also relevant to note that measures taken at the national level to prevent trafficking have been used in some situations to discriminate against women and other groups in a manner that amounts to a denial of their basic right to leave a country and to migrate legally. The inclusion of a general non-discrimination clause as suggested in the

following paragraph would go a considerable way towards ensuring that such discrimination does not become an unintended side-effect of the Protocol.

9. Need for a non-discrimination clause

14. As noted in an earlier submission by the United Nations High Commissioner for Human Rights (A/AC.254/16, para. 15), the principle of non-discrimination is a fundamental rule of international law and one of particular relevance to the situation and vulnerabilities of irregular or illegal migrants. The Office, UNICEF and IOM urge the informal consultations to include a broad non-discrimination provision such as that contained in the Rome Statute of the International Criminal Court (A/CONF.183/9, article 21, para. 3).

C. Draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

1. Rights of migrants

15. The Office, UNICEF and IOM recognize that the primary objective of the Migrant Protocol is to address the crime of migrant smuggling. However, as was acknowledged by a number of delegations at the sixth session, there is a clear need to ensure that the individuals falling victim to such practices are protected. The vulnerability of migrants, in particular irregular migrants, as a result of their precarious situation in society often leads to violations of their most basic human rights. The draft Protocol focuses on migrants who are or have been the victims of criminal exploitation in their countries of origin, in transit countries and/or in countries of reception. That status renders such persons even more vulnerable to further exploitation. It is imperative, therefore, that the Protocol should preserve and seek to uphold the fundamental human rights to which all persons, including smuggled migrants, are entitled. Respect for such rights does not, however, prejudice or otherwise restrict the sovereign right of all States to decide who should or should not enter their territories.

2. Need to include a protection provision in the Migrant Protocol

16. The Office, UNICEF and IOM welcome the explicit references to obligations of States Parties under the 1951 Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees of 1967[2] as safeguards aimed at ensuring that the adoption of the Migrant Protocol does not jeopardize the obligations of States Parties to the 1951 Convention or impinge on the ability of asylum seekers to secure protection from persecution.

17. The Office, UNICEF and IOM urge that the above-mentioned safeguards be maintained and, where appropriate, further strengthened. The inclusion of a specific reference to international human rights law in the Migrant Protocol is considered especially important. It is recommended that a saving clause such as that contained in the Trafficking Protocol be inserted, with reference being made to the rights, obligations and responsibilities of States and individuals under international law, including applicable international humanitarian law and international human rights law and, in particular, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

18. In this context, it is essential to acknowledge that increasing numbers of asylum seekers, including those with genuine claims to refugee status, are being transported by means covered in the draft Migrant Protocol. The principle of *non-refoulement*, which is the core of international refugee protection, and which is recognized as a norm of customary international law, must be explicitly preserved in the Migrant Protocol. The Office, UNICEF and IOM strongly advocate the inclusion of a provision to the effect that illegality of entrance into a State will not adversely affect a person's claim for asylum. Further, in order to make such a provision effective, signatories should be required to ensure that smuggled migrants are given full opportunity (including through the provision of adequate information) to make a claim for asylum or to present any other justification for remaining in the country, and that such claims are considered on a case-by-case basis. Such a provision could be inserted as a safeguard clause or, if more appropriate, added to the saving clause.

3. Need to include specific protection of smuggled children

19. As in the case of the Trafficking Protocol, the Office, UNICEF and IOM are of the view that the Migrant Protocol should include an explicit acknowledgement of the fact that children have special rights under international law; that child victims of smuggling have special needs and are entitled to special protection; and that, in dealing with child victims of smuggling, the best interests of the child are to be at all times paramount. In accordance with article 2 of the Convention on the Rights of the Child, child victims of smuggling are entitled to the same protection as nationals of the receiving State in all matters, including those relating to protection of their privacy and physical and moral integrity.

4. Issue of return

20. To ensure comprehensiveness of the instrument and its compatibility with existing standards, the Office, UNICEF and IOM advocate the inclusion of a provision on return. International law clearly recognizes the right of all persons to return to their country of origin. States should abide by their obligations to accept the return of their nationals and to facilitate such return. Special consideration needs to be given to the situation of children, including those in situations of return for purposes of family reunification in accordance with the Convention on the Rights of the Child, in particular articles 10 and 22 thereof. However, an article on return should be accompanied by strong and effective safeguard or saving clauses ensuring the right to international protection against *refoulement* and guaranteeing the basic human rights of the migrants involved. In light of its experience in return activities undertaken on behalf of States, IOM suggests that States should be obliged to issue travel documents at the request of another State Party or a relevant international organization (see article 15, para. 3, of the draft Protocol (A/AC.254/4/Add.1/Rev.4)).

5. Prevention of migrant smuggling

21. The strengthening of border controls and other measures foreseen in the draft Protocol to prevent the smuggling of migrants should be implemented in such a manner that they will not undermine the rights of individuals to seek asylum or put refugees and asylum seekers at risk of *refoulement*.

22. In relation to the training of immigration and other relevant officials, the Office, UNICEF and IOM recommend that the relevant draft article include a specific reference to training in international human rights law, in particular international refugee law, the

rights of women and children's rights. In view of the potential conflict in application of the Migrant and Trafficking Protocols, the Office, UNICEF and IOM further suggest that specific reference be made to training, in order to ensure proper and timely identification of trafficked persons and their treatment and care as victims rather than as criminals.

Notes

[1] *Human rights: a compilation of international instruments*, vol. I, second part (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 2)), sect. O.

[2] Ibid.

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Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its eighth session, held in Vienna from 21 February to 3 March 2000

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I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

II. Organization of the session

A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its eighth session in Vienna from 21 February to 3 March 2000. The Ad Hoc Committee held 20 meetings.

4. At its seventh session, held in Vienna from 17 to 28 January 2000, the Ad Hoc Committee had decided to consider at its eighth session articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the revised draft United Nations Convention against Transnational Organized Crime, as well as to continue its second reading of the draft additional international legal instrument against illegal trafficking in and transporting of migrants.

5. After opening the eighth session of the Ad Hoc Committee, the Chairman informed the Ad Hoc Committee that a solution had been found to the problem of assistance provided to a number of least developed countries by the Secretariat, using extrabudgetary funds provided for that purpose. The Chairman called upon States to make voluntary contributions that would permit the Secretariat to continue providing assistance to least developed countries to enable them to participate in the remaining sessions of the Ad Hoc Committee, as well as to meet the costs of conference and interpretation services for the informal consultations held during the sessions of the Ad Hoc Committee.

6. The representative of Uruguay, speaking on behalf of the Group of 77 and China, recalled the need to ensure that delegations had the necessary time to study carefully the contents of documents considered as the basis for consensus. He expressed concern about the timely availability of documents in all official languages of the United Nations. He also stated that informal working groups set up during the negotiation process were responsible for proposing language, but that their work must be approved by the Ad Hoc Committee. In addition, the representative of Uruguay reiterated the position of the Group of 77 and China, stated during the seventh session of the Ad Hoc Committee, that to avoid any possible ambiguity regarding the application of the Convention, the words "transnational" and "organized criminal group" should appear in the scope of application and whenever necessary elsewhere to explain the type of organized criminal activity that the Convention sought to address. Finally, the representative of Uruguay stated that, in the view of the Group of 77 and China, two meetings of informal consultations should not be held simultaneously and that informal consultations served as a forum for the exchange of views.

B. Attendance

7. The eighth session of the Ad Hoc Committee was attended by representatives of 112 States. Also attending the eighth session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

8. At its 117th meeting, on 21 February 2000, the Ad Hoc Committee adopted the following agenda for its eighth session:

1. Opening of the eighth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*.
4. Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants.
5. Adoption of the report of the Ad Hoc Committee on its eighth session.

D. Documentation

9. At its eighth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Australia, Austria, Belarus, Belgium, Cameroon, Canada, China, Colombia, Finland, France, Germany, the Holy See, India, Italy, Japan, the Libyan Arab Jamahiriya, Lithuania, Malawi, Mexico, Morocco, the Netherlands, Norway, Peru, the Philippines, Poland, the Russian Federation, Singapore, Spain, Swaziland, Switzerland, the Syrian Arab Republic, Tajikistan, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. A list of documents is contained in annex II to the present report.

III. Discussion on the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 bis (subparagraph (a) only), 4, 4 bis, 4 ter, 4 quater, 7, 7 bis, 7 ter, 17, 17 bis, 18, 18 bis and 18 ter

10. At its 117th-126th meetings, the Ad Hoc Committee discussed articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention. Because of lack of time, article 4 *bis* was not discussed and would, therefore, be deferred to the ninth session of the Ad Hoc Committee. The Ad Hoc Committee based its work on the revised draft United Nations Convention against

Transnational Organized Crime (A/AC.254/4/Rev.7) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.20, A/AC.254/L.152 and Corr.1, A/AC.254/L.161, A/AC.254/L.162, A/AC.254/L.168, A/AC.254/L.170 and A/AC.254/L.177). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by an informal working group at the request of the Chairman (A/AC.254/L.149). The Ad Hoc Committee, in accordance with the relevant recommendation of its Chairman, continued the process of reaching agreement on the final text. The progress achieved by the Ad Hoc Committee at its eighth session will be reflected in a new version of the draft Convention.[1]

11. The Ad Hoc Committee approved articles 4 *quater*, 7 *bis*, 7 *ter*, 17, 18 and 18 *bis* of the draft Convention without amendment. The approved text of those articles was included in document A/AC.254/L.175/Add.2.

12. The Ad Hoc Committee provisionally approved articles 4 (with the exception of subparagraph (c) of paragraph 2, which remains under review), 4 *ter*, 7, 17 *bis* and 18 *ter*, subject to the resolution of some issues that would need to be discussed in the light of the finalization of other provisions of the Convention, in particular article 2.

13. The Ad Hoc Committee discussed article 2 of the draft Convention. It decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text at its ninth session. It also decided to use as a basis for further consideration of those paragraphs the text proposed by Singapore (A/AC.254/L.152 and Corr.1). The new version of paragraphs 1 and 2, together with the text of paragraphs 3 and 4 of article 2, which the Ad Hoc Committee had approved at its seventh session, were included in document A/AC.254/L.175/Add.2. Regarding article 2 *bis* (subparagraph (a) only), the Ad Hoc Committee decided to retain the text unchanged and to reflect the debate in the footnotes accompanying the text.

IV. Discussion on the additional international legal instrument against illegal trafficking in and transporting of migrants

14. At its 127th-136th meetings, the Ad Hoc Committee discussed the additional legal instrument against illegal trafficking in and transporting of migrants. It based its work on a document containing the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.21, A/AC.254/L.153, A/AC.254/L.160, A/AC.254/L.178, A/AC.254/L.179, A/AC.254/L.183 and A/AC.254/L.186-189). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by informal working groups at the request of the Chairman (A/AC.254/L.173, A/AC.254/L.180, A/AC.254/L.191 and A/AC.254/L.193). Further, the Ad Hoc Committee had before it a note containing comments and proposals submitted by the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Organization for Migration (A/AC.254/27 and Corr.1).

[1] To be issued subsequently as document A/AC.254/4/Rev.8.

15. The representative of Portugal, speaking on behalf of the States members of the European Union, informed the Ad Hoc Committee that the representative of the European Commission had been mandated by the Council of the European Union to negotiate articles 9, 11, 12 and 13 of the draft Protocol on behalf of 12 of the States members of the European Union. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

16. At its eighth session, the Ad Hoc Committee continued its second reading of the draft Protocol. The new version of the articles of the draft Protocol discussed at the eighth session of the Ad Hoc Committee was issued in document A/AC.254/L.175/Add.3. The progress achieved in negotiating the draft Protocol by the Ad Hoc Committee at its eighth session will be reflected in a new version of the draft Protocol.[2]

17. The representative of Cuba expressed his concern about the procedure that had been followed in alternating chairmen of the meetings of the Ad Hoc Committee.

V. Informal consultations

18. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.

19. At its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its eighth session, from 22 to 25 February 2000, to the consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Also at its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held from 28 February to 2 March 2000 to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session. The documents before the Ad Hoc Committee for the informal consultations held during its eighth session were A/AC.254/4/Rev.7, A/AC.254/4/Add.2/Rev.4, A/AC.254/5/Add.20 and 21, A/AC.254/L.150, A/AC.254/L.151, A/AC.254/L.154-159, A/AC.254/L.163-169, A/AC.254/L.171, A/AC.254/L.172, A/AC.254/L.181, A/AC.254/L.182, A/AC.254/L.184, A/AC.254/L.185, A/AC.254/L.190 and A/AC.254/L.192.

20. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen (A/AC.254/L.174 and A/AC.254/L.176).

VI. Adoption of the report of the Ad Hoc Committee on its eighth session

21. At its 136th meeting, on 3 March 2000, the Ad Hoc Committee adopted the report on its eighth session (A/AC.254/L.175).

[2] To be issued subsequently as document A/AC.254/4/Add.1/Rev.5.

22. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its ninth session, to be held in Vienna from 5 to 16 June 2000 (A/AC.254/L.175/Add.1).[3]

[3] To be issued subsequently as document A/AC.254/29.

Annex I

List of participants

States

Afghanistan	Farid A. Amin
Algeria	Mokhtar Reguieg, Salah Francis El-Hamdi, Linda Briza
Angola	Henrique dos Santos, Fidelino Loy de Figueiredo, Antonio Filismino, João Antonio Milekamene, Jorge de Mendonca Pereira, Valmiro da Cruz Verdades, Jose Leitão Bravo da Costa, Filomena da Conceicao João, Antonio Cicero de Melo Dias dos Santos
Argentina	Juan de Lezica, Carlos Arzani, Francisco d'Albora, Monica Perlo-Reviriego, Eduardo Tempone, Beatriz Vivas de Lezica, Gustavo de Paoli
Australia	Annette Willing, Robyn Stern, Helen Stylianou, Alan Snashall, Suzanne Tatam
Austria	Irene Freudenschuss-Reichl, Fritz Zeder, Stefan Benner, Ulrike Kathrein, Alfred Schnabl, Hans Haller, Burkard Mühl, Christian Ebner, Alexander Wojda, Gregor Schusterschitz
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Bangladesh	Sufiur Rahman
Belarus	Valyantsin M. Fisenka, Olga Zvereva
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Benin	Antoine Gouhouede, Thierry Damase Ogoubi
Bolivia	Jaime Niño de Guzmán, Juan Ignacio Siles
Brazil	Sergio de Queiroz Duarte, Luis Ivaldo Villafane Gomes Santos, Rosa Maria Cardoso da Cunha
Bulgaria	Ivan Naydenov, Traiko Spasov
Burkina Faso	Thomas Dakouré, Adama Ouedraogo, Zingué Wetta
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Canada	Keith Morrill, Alan Morgan, Debra Normoyle, Kimberley Prost, James Hayes, Audrey Tomick, Robert Sinclair, Karen Kastner, Maureen Gaudet
Cape Verde	Felesmino Garcia Cardoso, Carla Miranda Spinola
Chile	Osvaldo Puccio, Patricio Powell

China	Zhang Yishan, Liu Yinghai, Zhai Jinrong, Sun Ang, Shi Dongwei, Sun Ping, Yang Xingguo, Wang Xiaolin, Zhang Yi, Wu Haiwen, Guo Yang, Niu Jianrong, Zhang Shen, Yang Xionghua, Xia Jianzhong, Wu Gang, Pei Jianguo
Colombia	Héctor Charry Samper, Edgar Lombana Trujillo, Diana Patricia Mejía Molina, Carlos Rodríguez Bocanegra
Comoros	Mirhane Borhane
Costa Rica	Stella Aviram Neuman
Côte d'Ivoire	Claude Beke Dassys, Jérôme Klôh Weya, Lansana Palenfo
Croatia	Mario Nobilo, Ranko Vilović, Željko Horvatić, Zoran Nekić, Marijana Kujundžić
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Czech Republic	Pavel Šturma, Jaroslav Štěpanek
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Djibouti	Omar Houssein Hassan
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Egypt	Sameh Hassan Shoukry, Yasser El Atawi, Soliman Abdelmoneim
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Greece	Ioannis Aggelis, Emmanuel Gounaris, Ekaterini Fountoulaki, Konstantinos Matzoukas, Grigorios Apostolou, Panagyiotis Petropoulos
Guatemala	Federico Urruela Prado, Sylvia Wohler de Meie, Ricardo Diaz-Duque
Guinea	Cyrille Conde
Haiti	Rolande Dorency Dathis
Holy See	Dominique Rézeau, Raffaella Manoni Zagaria

Hungary	Tibor Tóth, László Gál, Sándor Virág, Zoltán Márki, Ákos Borai, Attila Zsigmond, Gizella Vass, Andrea Igazi, Beáta Gurnai
India	Vinay Kumar, Jayant Umranikar
Indonesia	Sapartini Singghi Kuntjoro Jakti, Sadewo Joedo, Diar Nurbintoro
Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Gholamhossein Dehghani, Ali Hajigholam Saryazdi, Mahmoud Khani Joyabadi, Bahram Darvish Khadem
Ireland	Tony McDermottroe, Elizabeth Walsh, Michael Flahive, Donacha O'Sullivan
Italy	Vincenzo Manno, Gioacchino Polimeni, Massimo Curcio, Roberta Barberini, Giancarlo R. Bellelli, Umberto de Augustinis, Giusto Sciacchitano, Elisabetta Rosi, Gualtiero Michelini, Ennio di Francesco, Vincenzo Delicato, Gianfranco Clemente, Castore Palmerini, Francesco Natale, Giovanni C. Olimbo, Alfredo Nunzi
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Jordan	Mazen Armouti, Mohammad Abd Allah Al Qudah, Leena Al-Hadid
Kazakhstan	Askor Akhmetor
Kenya	Michael Kinyanjui, Florence T. Ochieng
Kuwait	Hamed Saleh Al-Othman, Zakaria Al-Ansari, Jasem Al-Budaiwi
Lebanon	William Habib, Hassan Dakroub, Mohammed Alameddin, Caroline Ziadé
Libyan Arab Jamahiriya	Said Abdulaati, Emhamed Almarmir, Mehdi S. Medjrbi, Faisal Elshaeri
Lithuania	Sarunas Adomavicius, Renatas Juska
Luxembourg	Georges Santer, Katja Kremer, Martine Solovieff, Pierre Franck, Pierre Ferring
Madagascar	Maurice Randrianame
Malawi	Pike George Mphaka
Malaysia	Umi Kalthom Abdul Majid, Ahmad Anwar Adnan
Mali	Boubacar Baba Diarra
Malta	Noel Buttigieg Scicluna, Mario Buttigieg, Carmel A. Agius
Mexico	Olga Pellicer, Ricardo Camara Sanchez, Joel Hernandez, Guillermo Medina-Lamadrid, Sergio Olivar Moctezuma, Raúl Solorzano Díaz, Irma Cue Sarquis, Irma García Andrade
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Norway	Helga Hernes, Magnar Aukrust, Fredrik Böckman Finstad, Ellen Sofie Terland, Gjermund Saether
Oman	Ahmed Said Al-Hassani, Said Nasser Al-Siyabi, Yousuf A. H. Al-Jabry
Pakistan	Shaukat Umer, Iffat Imran Gardezi
Panama	Jorge Enrique Halphen Pérez
Papua New Guinea	William Liebert
Peru	Gilbert Chauny de Porturas Hoyle, Ruth Saif de Préperier, Raúl Loarte Ramos, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Cecillo R. Penilla, Maria Cleofe R. Natividad, Mary Anne Padua
Poland	Janusz Rydzkowski, Mariusz Skowroński, Michal Plachta, Zdzisław Galicki, Beata Ziorkiewicz, Edyta Lapinska, Przemyslaw Wyganowski
Portugal	João Rosa Lã José Maria Leite Martins, Carlos Pais, Mário Gomes Dias, Euclides Dâmaso Simões, Victor Chaves de Almeida, Liliana Araujo, Maria do Carmo Costa, Maria José Matos, António Folgado, Oscar Gonzales-Hernandez, Eduardo Lobo Rodrigues
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Russian Federation	Sergei N. Karev, Valery V. Loshchinin, Sergei P. Bulavin, Georgiy G. Machitidze, Jury A. Lukyanov, Igor V. Smirnov, Nikolay N. Varlamov, Valentine I. Mikhailov, D. V. Grinenko, I. Meledjayev, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov
Rwanda	Busingye Johnston
Saudi Arabia	A. M. Al-Ghamidi, Omar Mohammed Kurdi, A. H. Al-Shamrani, F. N. Al-Manna', A. A. Al-Yousuf, Saleh Al-Otaibi, M. N. Al-Aula, M. A. Al-Meheizi', S. Al-Mutlaq, Abdulrahman Al-Jarallah
Singapore	Mathew Joseph, Ee Pin Marcus Song, Mee Lin Hee

Slovakia	Alojz Némethy, Oksana Tomová, Vladimír Kotulič, Pavol Slopovský, Denisa Ivanová, Metod Špaček
Slovenia	Bojan Bertoncelj, Peter Japelj
South Africa	N. J. Mxakato-Diseko, N. S. Schoombie, P. Smith, Peter Gastrow, F. Truter, M. W. Mafole, L. Kok, N. P. Notutela, J. Vorster
Spain	Antonio Ortiz, Pilar Ruiz-Carnicero, Ignacio Baylina Ruiz, Alberto Ruiz Secchi, Antonio Yébenes Gadea, Francisco Javier González Ibañez, José María de las Cuevas Carretero, Enrique Aguilar Serrano, Eusterio Perez Gago, Alfredo Pascual
Sri Lanka	C. S. Poolokasingham, L. G. Piyasiri
Sudan	Abdel Ghaffar A. Hassan, Abdel Nasir Abdel Aziz Ahmed, Isaac Chinkok Kenti, Kureng Akuei Pac
Sweden	Örjan Landelius, Per Hedvall, Håkan Öberg, Christer Ahlström, Marie-Louise Hallström, Henrik Stiernblad
Switzerland	Urs Breiter, Anita Marfurt, Lorenza Rossini, Roman Hunger, Stefano Toscano, Olivier Thormann, Stephan Arnold, Charles Naudi, Sebastian Ramspeck
Syrian Arab Republic	Riad Al-Boushi Adi, Jawdat Nabouti
Thailand	Sorayouth Prompoj, Wanchai Roujanavong, Morakot Sriswasdi, Suphanvasa Chotikajan
Togo	Joachim Bénivi Beni-Locco
Tunisia	Abdelaziz Chaabane, Amor Mansour, Nabil Ammar, Sabri Chaabani, Fethy Settey, Emna Lazoughli
Turkey	Yasar Yakis, A. Asim Arar, M. Aydin Özbay, Macide Erdener
Ukraine	Volodymyr Ohrysko, Viktoria Kuvshynnykova
United Arab Emirates	Abdullah Yusuf Al Shamsi, Abdulrahim Mohamed Sinkais Al Awadi, Abdallah Essa Al Falasi, Awad Salem Ali Al Hasani
United Kingdom of Great Britain and Northern Ireland	John Patrick George Freeman, Richard Bradley, Mark Etherton, Peter Storr, Doug Dalziel, Graham Widdecombe, Andrew Lewis, David Lusher, Spencer Chilvers, David Wilson
United States of America	Elizabeth G. Verville, Laura E. Kennedy, Kathleen W. Barmon, Robert Boone, Jeff A. Breinholt, Mary Helen Carlson, Mark Fleming, Kenneth Harris, Kenneth Keller, Stephen Kroll, William Kullman, Peter Pedrozo, Enrique Perez, Kenneth Propp, James Puleo, S. Gail Robertson, Linda Samuel, Pierre St. Hilaire, Gary Thomas, Herbert Traub, Mary Ellen Warlow
Uruguay	Fructuoso Pittaluga-Fonseca, Gustavo Alvarez Goyoaga, Elena Fajardo
Uzbekistan	Yakubdjan Irgashev, Maman Ismailov
Venezuela	Fidel Garófalo Laya, Neiza Pineda Viloria

Viet Nam	Hoang Thi Ninh
Yemen	Nageeb Ismail Ali
Zambia	Solomon Jere
Zimbabwe	E. L. Kawonza, P. Mphoko, R. Kanyemba

Entities represented by observers

Palestine	Faisal Aweidah, Muhieddin Massoud

United Nations Secretariat units

Office for Drug Control and Crime Prevention

United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences, Office of the United Nations High Commissioner for Refugees

Specialized agencies and other organizations of the United Nations system

International Labour Organization, United Nations Educational, Scientific and Cultural Organization, International Maritime Organization

Other intergovernmental organizations

Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of the European Union, Customs Cooperation Council, European Commission, Financial Action Task Force, Inter-American Development Bank, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, Organization for Security and Cooperation in Europe, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations

Special consultative status

Association for the Study of the World Refugee Problem, Coalition against Trafficking in Women, European Women's Lobby, International Commission of Jurists, International Council on Alcohol and Addictions, International Federation of Human Rights, International Federation of University Women, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Council of Independent Christian Churches

General consultative status

International Abolitionist Federation, International Council of Women, Soroptimist International, Zonta International

Roster

International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, Sporting Shooters Association of Australia

Annex II

List of documents before the Ad Hoc Committee at its eighth session

Document symbol	*Title or description*
A/AC.254/4/Rev.7	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.4	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.2/Rev.4	Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.20	Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.21	Proposals and contributions received from Governments on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.22	Proposals and contributions received from Governments on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/25	Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its seventh session, held in Vienna from 17 to 28 January 2000
A/AC.254/26	Annotated provisional agenda and proposed organization of work for the eighth session of the Ad Hoc Committee
A/AC.254/27 and Corr.1	Note by the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the International Organization for Migration on the draft protocols concerning migrant smuggling and trafficking in persons
A/AC.254/L.96	Mexico: amendment to the revised draft international legal instrumement against illegal trafficking in and transporting of migrants

A/AC.254/L.149	Recommendations of informal working group on article 4, paragraph 1 *bis*, of the revised draft United Nations Convention against Transnational Organized Crime, convened during the seventh session of the Ad Hoc Committee
A/AC.254/L.150	United States of America: amendments to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.151	Turkey: amendments to article 2 of the revised draft Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.152 and Corr.1	Singapore: amendment to article 2 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.153	Singapore: amendment to article 7 *ter* of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.154	Italy: amendments to articles 10, 14 and 14 *bis* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.155	Japan: report of the Chairman of the International Workshop on the Firearms Protocol, held in Tokyo on 2 and 3 February 2000
A/AC.254/L.156	Japan: amendments to articles 9 and 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.157	Canada: amendments to articles 2 and 7 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.158	United Kingdom of Great Britain and Northern Ireland: amendment to article 10 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.159	Poland: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime

A/AC.254/L.160	Mexico: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.161	Mexico: amendment to article 4 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.162	Finland: amendments to article 4 of the revised draft United Nations Convention against Transnational Organized Crime submitted at the request of the Chairman
A/AC.254/L.163	Australia: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.164	Canada and Japan: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman
A/AC.254/L.165	Mexico: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.166	Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.167	Australia, Norway and Switzerland: amendment to article 11 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.168	Belarus: amendments to article 9 of the revised draft United Nations Convention against Transnational Organized Crime submitted at the request of the Chairman

A/AC.254/L.169	Amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, submitted by the Chairman
A/AC.254/L.170	Spain: amendment to article 2 *bis* of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.171	Japan: amendment to article 2 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.172	France and Italy: amendment to article 3 of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.173	Recommendation of the informal working group on article 4, paragraph 1, of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman
A/AC.254/L.174	Report of the Chairman of the informal consultations on the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.174/Add.1	Articles 1-5, 10 and 18 *bis* of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.175 and Add.1-3	Draft report of the Ad Hoc Committee on its eighth session
A/AC.254/L.176 and Add.1	Report of the informal consultations on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.177	Peru: amendment to article 4 *bis* of the revised draft United Nations Convention against Transnational Organized Crime

A/AC.254/L.178	France: amendment to article 3 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.179	Austria and Italy: amendment to article 2 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.180	Recommendation of the informal working group chaired by Canada on article 2, paragraph 1 (c), of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman
A/AC.254/L.181	China: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.182	China: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.183	Colombia: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.184	Recommendation of the informal working group on article 9, paragraph 2 (c), of the revised draft United Nations Convention against Transnational Organized Crime submitted at the request of the Chairman
A/AC.254/L.185	United States of America: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.186	United States of America: amendment to article 3 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.187	United States of America: amendment to article 4 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.188	Austria, Canada, France, Germany, Italy, Netherlands and United States of America: amendment to article 4 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

A/AC.254/L.189	Belgium and Norway: amendment to article 5 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.190	Canada and Germany: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.191	Amendment to article 4 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, submitted by the Chairman
A/AC.254/L.192	United States of America: amendments to article 9 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.193	Report of a working group set up at the request of the Chairman: amendment to articles 4 and 5 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

United Nations A/AC.254/29

General Assembly

Distr.: General
4 April 2000

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Ninth session
Vienna, 5-16 June 2000

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the ninth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the additional international legal instrument against trafficking in persons, especially women and children.
4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16.
5. Adoption of the report of the Ad Hoc Committee on its ninth session.

V.00-52813 (E)

Annotations

1. Opening of the ninth session of the Ad Hoc Committee

The ninth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 5 June 2000, at 10 a.m.

2. Adoption of the agenda and organization of work

At its eighth session, held in Vienna from 21 February to 3 March 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its ninth session (A/AC.254/L.175/Add.1). The Ad Hoc Committee decided that at its ninth session it would devote five days to the consideration of the draft text of the additional international legal instrument against trafficking in persons, especially women and children.

The Ad Hoc Committee also decided that at its ninth session it would devote four days to the consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16, dealing with the scope of application, the use of terms, measures to combat money-laundering, jurisdiction, extradition, the transfer of sentenced persons, mutual legal assistance, joint investigations, special investigative techniques and the transfer of proceedings.

The resources available to the Ad Hoc Committee at its ninth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the ninth session of the Ad Hoc Committee.

The attention of the Ad Hoc Committee is drawn to the fact that Monday, 12 June, is an official United Nations holiday. The Vienna International Centre will be closed on that day.

3. Consideration of the additional international legal instrument against trafficking in persons, especially women and children

In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea; and requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

In its resolution 54/126 of 17 December 1999, the General Assembly decided that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requested the Ad Hoc Committee to make any corresponding changes to the draft instrument; requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its

work in order to complete it in 2000; and also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft Protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

At its second and fourth sessions, the Ad Hoc Committee carried out a first reading of articles 1-7 of the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations held during that session on the common provisions between the draft Convention and the draft Protocols. At its seventh session, the Ad Hoc Committee devoted the informal consultations held from 18 to 21 January 2000 to the consideration of the draft Protocol and common provisions of that instrument and the additional international legal instrument against illegal trafficking in and transporting of migrants. In beginning its second reading of the draft Protocol, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its seventh session (see A/AC.254/L.145 and Add.1). For the convenience of delegations, the revised version of the draft Protocol that will be before the Ad Hoc Committee at its ninth session (A/AC.254/4/Add.3/Rev.6) incorporates the above recommendations of the informal consultations.

Documentation

Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.6)

Proposals and contributions received from Governments (A/AC.254/5/Add.24)

4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30. At its seventh session, the Ad Hoc Committee began the finalization of the draft Convention by considering articles 1-3, 5 and 6. At its eighth session, the Ad Hoc Committee considered articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*. The Ad Hoc Committee postponed consideration of article 4 *bis* to its ninth session.

Also at its eighth session, the Ad Hoc Committee decided that at its ninth session it would consider articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16. That decision was made on the understanding that, should the Ad Hoc Committee finalize those articles with time remaining at its ninth session, it would proceed

to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the finalization of articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of other articles. In the negotiation of articles 9 and 10, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its eighth session (see A/AC.254/L.176 and Add.1). For the convenience of delegations, the revised version of the draft Convention that will be before the Ad Hoc Committee at its ninth session (A/AC.254/4/Rev.8) incorporates the above recommendations of the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8)

Proposals and contributions received from Governments (A/AC.254/5/Add.23)

Background documents

Analytical study on serious crime prepared by the Secretariat (A/AC.254/22 and Corr.1 and Add.1 and 2)

Informal consultations

At its fourth session, the Ad Hoc Committee decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate (A/AC.254/17, para. 25). The holding of such consultations would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth and sixth sessions permitted the holding of eight parallel informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of each session. The resources available to the Ad Hoc Committee at its seventh session permitted the holding of 16 parallel informal consultations. The resources available to the Ad Hoc Committee at its eighth session permitted the holding of 16 parallel informal consultations from Tuesday, 22 February, to Thursday, 2 March 2000.

The resources available to the Ad Hoc Committee at its ninth session will permit the holding of 14 parallel informal consultations from Tuesday, 6 June, to Thursday, 15 June 2000. At its eighth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 6 June, to Friday, 9 June 2000, to the consideration of articles 19-30 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its tenth session. Also at its eighth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 13 June, to Thursday, 15 June 2000, to the consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants, including articles 7-7 *quater*.

The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8)

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.5)

Proposals and contributions received from Governments (A/AC.254/5/Add.23)

Proposals and contributions received from Governments (A/AC.254/5/Add.25)

5. Adoption of the report of the Ad Hoc Committee on its ninth session

The Ad Hoc Committee is to adopt a report on its ninth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the ninth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 5 to 16 June 2000

A. Plenary

Date	*Time*	*Item*	*Title or description*
Monday, 5 June	10 a.m.-1 p.m.	1	Opening of the ninth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the additional international legal instrument against trafficking in persons, especially women and children
	3-6 p.m.	3	Continuation of the discussion
Tuesday, 6 June-Friday, 9 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
Tuesday, 13 June	10 a.m.-1 p.m. and 3-6 p.m.	4	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16
Wednesday, 14 June-Friday, 16 June	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Adoption of the report of the Ad Hoc Committee on its ninth session

B. Informal consultations

Date	*Time*	*Subject*
Tuesday, 6 June-Friday, 9 June	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 19-30
Tuesday, 13 June-Thursday, 15 June	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants, including articles 7-7 *quater*

United Nations A/AC.254/30–E/CN.15/2000/4

Economic and Social Council

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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
Ninth session
Vienna, 5-16 June 2000

Commission on Crime Prevention and Criminal Justice
Ninth session
Vienna, 18-20 April 2000
Item 4 of the provisional agenda*
International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments

Progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

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* E/CN.15/2000/1.

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I. Introduction

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council (Council resolution 1998/14 of 28 July 1998), the General Assembly adopted resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In its resolution 53/114 of 9 December 1998, the Assembly called upon the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to devote attention to the drafting of the main text of the Convention, as well as of the above-mentioned international instruments.

2. In its resolution 54/126 of 17 December 1999, entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto", the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114, and to intensify its work in order to complete it in 2000; decided that the Ad Hoc Committee should be convened in 2000 as required, holding no fewer than four sessions of two weeks each; requested the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, in order to enhance the possibility of their completion at the same time as the draft Convention; and decided that the Ad Hoc Committee should submit the final text of the Convention and protocols thereto to the Assembly for early adoption prior to a high-level signing conference.

3. In its resolution 54/127 of 17 December 1999, the General Assembly requested the Secretary-General, within existing or extrabudgetary resources, to convene an expert group of no more than 20 members with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking of explosives by criminals and their use for criminal purposes, and directed the Ad Hoc Committee, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

4. In its resolution 54/128 of 17 December 1999, the General Assembly directed the Ad Hoc Committee to incorporate into the draft Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials; and requested the Ad Hoc Committee, using such time as its schedule permitted and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention and the three additional instruments referred to in resolution 53/111, and to present its views to the Commission on Crime Prevention and Criminal Justice.

5. In its resolution 54/129 of 17 December 1999, the General Assembly accepted with appreciation the offer of the Government of Italy to host a high-level political signing conference in Palermo for the purpose of signing the United Nations Convention against

Transnational Organized Crime (Palermo Convention) and protocols thereto, and requested the Secretary-General to schedule the Conference for a period of up to one week before the end of the Millennium Assembly in 2000.

6. To date, the Ad Hoc Committee has held eight sessions, as follows: first session from 19 to 29 January 1999; second session from 8 to 12 March 1999; third session from 28 April to 3 May 1999, in parallel with the eighth session of the Commission on Crime Prevention and Criminal Justice; fourth session from 28 June to 9 July 1999; fifth session from 4 to 15 October 1999; sixth session from 6 to 17 December 1999; seventh session from 17 to 28 January 2000; and eighth session from 21 February to 3 March 2000. It is scheduled to hold two more sessions, from 5 to 16 June and from 17 to 28 July 2000.

7. The present report is submitted to the Commission on Crime Prevention and Criminal Justice pursuant to General Assembly resolution 54/126, to apprise the Commission of progress achieved in the implementation of the mandate of the Ad Hoc Committee. Read in conjunction with the previous report of the Ad Hoc Committee to the Commission at its eighth session (A/AC.254/13-E/CN.15/1999/5), the present report provides a complete picture of the work of the Ad Hoc Committee to date.

II. Progress in the implementation of the mandate of the Ad Hoc Committee

A. Organizational and procedural matters

8. In its resolution 53/111, the General Assembly decided to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of the Ad Hoc Committee. The following additional officers compose the bureau of the Ad Hoc Committee for 2000:

Vice-Chairmen: Zuzana Chuda (Slovakia)
Kiyoshi Koinuma (Japan)
Emna Lazoughli (Tunisia)
Patricio Palacios (Ecuador)
Olga Pellicer (Mexico)
Bérèngère Quincy (France)
Janusz Rydzkowski (Poland)
Shaukat Umer (Pakistan)

Rapporteur: Peter Gastrow (South Africa)

9. In view of the short time available and considering the volume and complexity of the work that the Ad Hoc Committee had to carry out, the Secretariat developed and proposed a provisional timetable of sessions for 1999 and 2000. In so doing, the Secretariat attempted to reconcile the requirements of the Ad Hoc Committee with the need to provide necessary services to it within existing resources for the biennium 1998-1999. With the appropriate planning and with the support of the bureau of the Ad Hoc Committee, the Secretariat was able to absorb the bulk of the cost of providing the Ad Hoc Committee with the requisite conference and interpretation services in 1999. Additional requirements were met through voluntary contributions made by the Governments of Japan and the United

States of America to the Crime Prevention and Criminal Justice Fund, in support of the drafting of the Convention.

10. The third session of the Ad Hoc Committee was attended by representatives of 111 States. Its fourth session was attended by representatives of 97 States. Its fifth session was attended by representatives of 114 States. Its sixth session was attended by representatives of 106 States. Its seventh session was attended by representatives of 109 States. Its eighth session was attended by representatives of 112 States. Also attending the sessions were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

11. In its resolution 53/111, the General Assembly invited donor countries to cooperate with developing countries to ensure their full participation in the work of the Ad Hoc Committee. That issue was also raised by several delegations and by the Group of 77 and China at the first and second sessions of the Ad Hoc Committee. On two separate occasions, the Secretariat drew the attention of developed countries to the call made by the General Assembly. The Governments of Austria, Japan, Norway, Poland and the United States made voluntary contributions to the Crime Prevention and Criminal Justice Fund, indicating that a part thereof was to be used to facilitate the participation of least developed countries in the work of the Ad Hoc Committee. However, the funds made available were not sufficient to defray the costs of participation of all 48 least developed countries in the work of the Ad Hoc Committee. Therefore, the Secretariat requested the regional groups concerned to determine the least developed countries that would receive some assistance in relation to their participation.

12. At the fourth session of the Ad Hoc Committee, the Secretariat offered support to 25 countries selected by or identified in consultation with the regional groups concerned. This support related to meeting the travel costs only of one representative from each of the countries concerned. Most of the countries to which the Secretariat offered support indicated that they were willing to participate in the work of the Ad Hoc Committee but were unable to cover the cost of accommodation for their representatives. In view of that experience and having reviewed the extrabudgetary resources at its disposal, the Secretariat offered, beginning with the fifth session of the Ad Hoc Committee, to provide further support consisting of a lump sum intended to assist representatives with meeting the cost of accommodation.

13. At its seventh session, the Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention informed the Ad Hoc Committee that the Secretariat was encountering difficulties in obtaining the required authorization from the Controller in the Department of Management of the Secretariat for payment of the local costs of representatives from least developed countries, using extrabudgetary funds made available by certain Governments. Those difficulties stemmed from the fact that the Controller maintained that General Assembly resolution 53/111 did not provide a sufficient basis for departing from established rules and practice regarding the payment of such expenses. The Chairman informed the participants that the matter had been discussed in the bureau of the Ad Hoc Committee, which had recommended that the Ad Hoc Committee approve a draft resolution on the matter for adoption by the Assembly. The bureau had also recommended that the Ad Hoc Committee authorize its Chairman to write to the Secretary-General and request that he personally intervene in order to resolve

the matter. The Ad Hoc Committee approved the recommendation of its bureau. The Ad Hoc Committee also approved a draft resolution submitted by its Chairman, entitled "Participation in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime" (A/AC.254/L.136). (For the text of the draft resolution, see annex II to the report of the Ad Hoc Committee on its seventh session (A/AC.254/25).) The Chairman wrote to the Secretary-General and to the Chairman of the Fifth Committee of the General Assembly. The Ad Hoc Committee was subsequently informed by its Chairman that the matter had been resolved for the seventh session. The Chairman requested that the Secretariat keep the matter under review in order to ensure that similar payments would be made at the remaining sessions of the Ad Hoc Committee, subject to the availability of extrabudgetary funds provided for that purpose.

14. At its eighth session, the Ad Hoc Committee was informed by its Chairman that a solution had been found to the problem of assistance provided to a number of least developed countries by the Secretariat, using extrabudgetary funds provided for that purpose. The Chairman called upon States to make voluntary contributions that would permit the Secretariat to continue providing assistance to least developed countries to enable them to participate in the remaining sessions of the Ad Hoc Committee, as well as to meet the costs of conference and interpretation services for the informal consultations held during the sessions of the Ad Hoc Committee.

15. At the first session of the Ad Hoc Committee, several representatives had expressed concern about the accuracy of the terms used in the translation of documents into some of the official languages, and had recommended that the Secretariat undertake the compilation of a glossary of terms. Pursuant to that recommendation and with the support of the Linguistic Support Unit and the translation sections of the United Nations Office at Vienna, the Secretariat prepared a draft glossary of terms found in the draft Convention and made it available to delegations at the fourth and fifth sessions of the Ad Hoc Committee (A/AC.254/CRP.16 and Add.1). The draft glossary was based on the revised text of the draft Convention contained in document A/AC.254/4/Rev.1 and was distributed with a view to allowing participants to review the terms and provide feedback to the Secretariat on their accuracy and consistency. Work was continuing to include in the glossary terms contained in the three additional international legal instruments that the Ad Hoc Committee had been mandated to draft. Upon completion of the drafting of the Convention and the protocols thereto, the revised glossary would form part of the official record of the negotiations.

16. At its fourth session, the Ad Hoc Committee decided that in future informal consultations should be organized in order to facilitate the implementation of its mandate. The holding of such meetings would depend on the availability of extrabudgetary resources and would meet the following conditions:

(a) The informal consultations would be conducted strictly in accordance with the decisions of the General Assembly;

(b) Provision would be made for interpretation in all official languages of the United Nations;

(c) The documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided;

(d) The informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations;

(e) The informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary;

(f) No more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee;

(g) The informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

17. At the fifth session of the Ad Hoc Committee, the representative of Ecuador made a statement on behalf of the Group of Latin American and Caribbean States. He stressed that, while the members of the Group would continue to give their full support to the work of the Ad Hoc Committee, their ability to participate in the informal meetings of the Ad Hoc Committee was limited. The Ad Hoc Committee was the only body empowered to advance the negotiations on the draft Convention and its draft Protocols; therefore, any parallel meetings were only of an informal nature. The representatives of Costa Rica and Mexico noted that the informal meetings should not deal with any new topics. The Chairman confirmed that that was his understanding.

18. At the seventh session of the Ad Hoc Committee, the representative of Ecuador, speaking on behalf of the Group of Latin American and Caribbean States, said that the members of the Group had, from the beginning, participated actively and constructively in the negotiations on the draft Convention and its draft Protocols, convinced of the importance of those negotiations. The members of the Group had supported the initiative of the States members of the Group of 77 and China at the sixth session of the Ad Hoc Committee regarding the inclusion in the draft Convention of an article on implementation of the Convention through economic development and technical assistance. While expressing the hope that the pace of negotiations would be vigorous, the members of the Group of Latin American and Caribbean States were of the view that sufficient time and attention should be given to drafting coherent and functional provisions that would meet the concerns of all States. The universality of the legal instruments depended not only on the number of signatories but also on the quality of the texts. Regarding the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (the "Migrants Protocol", A/AC.254/4/Add.1/Rev.4), the members of the Group were of the view that it was important to develop a legal instrument that would effectively target smugglers while protecting the rights of migrants. Therefore, the Protocol must take into account the relevant United Nations instruments on protection of migrants in connection with correcting social and economic imbalances. In an era of globalization, the Convention and the Protocols should be inspired by the need for international cooperation to contribute to the improvement of standards of living and to increase opportunities, especially in developing countries. The members of the Group of Latin American and Caribbean States considered it important for the Migrants Protocol not to penalize migration, which was a social and historical phenomenon, or to convey an ambiguous message to the international community that would stimulate xenophobia, intolerance and racism. The negotiation process should take into account the causes of migration and the reasons for the increasing

vulnerability of migrants. Regarding the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the "Trafficking in Persons Protocol", A/AC.254/4/Add.3/Rev.5), the members of the Group emphasized the need for the instrument to make it possible to react quickly to illicit trafficking in persons, especially when the victims were children. The representative emphasized the position of global leadership of the Group in the fight against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The representative announced that the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/53/78, annex), adopted by the General Assembly of the Organization of American States, would enter into force on 9 February 2000, following the deposit of the tenth instrument of ratification. The members of the Group of Latin American and Caribbean States were interested in ensuring the successful conclusion of the negotiations on the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the "Firearms Protocol"), in order for the instrument to be effective. The members of the Group were in favour of a recommendation by the Ad Hoc Committee to the Commission on Crime Prevention and Criminal Justice regarding the development of a broad international legal instrument against corruption. The representative noted that the principal objective and premise of the Convention and its Protocols should be to promote international cooperation through shared responsibility in order to achieve more balanced international conditions, taking into account the situation of developing countries and with full respect for the principles of sovereignty and non-intervention enshrined in the Charter of the United Nations.

19. Prior to the adoption of the report of the Ad Hoc Committee on its seventh session, the representative of Uruguay made a statement on behalf of the Group of 77 and China. He underlined the importance of producing acceptable and effective results through methodical and conscientious work and requested that the necessary time be taken during the negotiation process to address complex matters comprehensively. Regarding the scope of application of the Convention, he stated that it was not possible for the Convention to include provisions that did not relate to acts of a transnational character or to the conduct of organized criminal groups. He recognized that, in the spirit of international cooperation, the provisions of the Convention relating to judicial assistance might be applied where the offence was serious and involved an organized criminal group. He stated that the members of the Group of 77 and China had reaffirmed their commitment to the negotiation process and had pledged their continued support to the successful conclusion of the Convention. He emphasized that the final decision on the adoption of the Convention would be taken at the political level, by the General Assembly.

20. At the eighth session of the Ad Hoc Committee, the representative of Uruguay, speaking on behalf of the Group of 77 and China, recalled the need to ensure that delegations had the necessary time to study carefully the contents of documents considered as the basis for consensus. He expressed concern about the timely availability of documents in all official languages of the United Nations. He also stated that informal working groups set up during the negotiation process were responsible for proposing language, but that their work must be approved by the Ad Hoc Committee. In addition, the representative of Uruguay reiterated the position of the Group of 77 and China, stated during the seventh session of the Ad Hoc Committee, that to avoid any possible ambiguity regarding the

application of the Convention, the words "transnational" and "organized criminal group" should appear in the scope of application and whenever necessary elsewhere to explain the type of organized criminal activity that the Convention sought to address. Finally, in the view of the Group of 77 and China, two meetings of informal consultations should not be held simultaneously and informal consultations served only as a forum for the exchange of views.

21. Also at the eighth session of the Ad Hoc Committee, the representative of Portugal, speaking on behalf of the States members of the European Union that are Members of the United Nations, informed the Ad Hoc Committee that the representative of the European Commission had been mandated by the Council of the European Union to negotiate on behalf of 12 of the States members of the Union articles 9, 11, 12 and 13 of the draft Migrants Protocol. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

22. At the time of writing of the present report, the Ad Hoc Committee had scheduled two more sessions for 2000. The Ad Hoc Committee will hold its ninth session from 5 to 16 June and its tenth session from 17 to 28 July.

B. Substantive matters

1. Elaboration of the draft Convention against Transnational Organized Crime

23. At its second session, the Ad Hoc Committee had requested the Secretariat to carry out an analytical study on provisions of national laws relevant to the Convention concerning offences punishable by deprivation of liberty, with an indication of the number of years of imprisonment. The study was to be based on information to be solicited from Member States, who would also be asked to indicate whether their legislation qualified offences as serious and, if so, what criteria were used and which crimes were considered serious. Pursuant to that request and based on information provided by 45 States, the Secretariat prepared the analytical study and submitted it to the Ad Hoc Committee (A/AC.254/22 and Corr.1 and Add.1).

24. At its third to eighth sessions, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Cameroon, Canada, China, Colombia, Finland, France, Germany, the Holy See, Hungary, India, Italy, Japan, Kuwait, the Libyan Arab Jamahiriya, Lithuania, Malawi, Mexico, Morocco, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, the Russian Federation, Singapore, Slovakia, South Africa, Spain, Swaziland, Switzerland, Sweden, the Syrian Arab Republic, Tajikistan, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States. The Ad Hoc Committee also had before it notes by the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Organization for Migration (A/AC.254/16 and A/AC.254/27 and Corr.1).

25. The Ad Hoc Committee had completed its first reading of the draft Convention at its first and second sessions and had begun a second reading of the text at its second session. At its third session, the Ad Hoc Committee focused on articles 4, 4 *bis*, 7 and 8 of the draft

Convention, dealing with money-laundering, confiscation and transparency of financial transactions. Basing its work on the revised version of the draft Convention (A/AC.254/4/Rev.2) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.5 and 6), the Ad Hoc Committee decided to delete article 8 from the draft text of the Convention, as its contents had been superseded by either option of article 4 *bis*. The progress achieved by the Ad Hoc Committee at its third session was reflected in a new version of the draft Convention.

26. Continuing the second reading of the draft Convention at its fourth session and basing its work on the revised version of the draft Convention (A/AC.254/4/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7 and 8), the Ad Hoc Committee discussed articles 4 *ter*, 5, 6, 9 and 14 (paras. 1-13). The comments and proposals made by delegations were reflected in a revised version of the draft Convention.

27. At its fifth session, the Ad Hoc Committee based its work on a document containing the revised draft Convention (A/AC.254/4/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7-9). The Ad Hoc Committee discussed articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), and 15-19 of the draft Convention. The progress achieved by the Ad Hoc Committee at its fifth session was reflected in a new version of the draft Convention.

28. At its sixth session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.5) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.14). In completing its second reading of the draft Convention and in accordance with the request by the Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect the points of convergence and would form the basis for further drafting. The progress achieved on the draft Convention by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Convention.

29. As mentioned above, the Ad Hoc Committee had decided at its fourth session that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate. At its fifth session, the Ad Hoc Committee had decided that the informal consultations at its sixth session would be devoted to an overview of provisions that could be considered common to the draft Convention and the draft Protocols and to an examination of the articles of those draft instruments that would be under discussion at its sixth session. During the sixth session of the Ad Hoc Committee, informal consultations were held from 7 to 10 December 1999 in parallel with the plenary meetings of the Ad Hoc Committee. The recommendations of the informal consultations (A/AC.254/L.109 and A/AC.254/L.120) were submitted to the Ad Hoc Committee by the chairmen of the informal consultations. The Ad Hoc Committee approved the recommendations of the informal consultations on the common provisions of the draft Convention and the draft Protocols. The Ad Hoc Committee carried out its work on articles 4 *ter*, 20, 22 and 22 *bis* on the basis of the recommendations of the informal consultations.

30. At its seventh session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.6) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.17). Having completed the second reading of the draft Convention at its sixth session, the Ad Hoc Committee, in accordance with the relevant recommendation of its Chairman, began the process of reaching agreement on the final text. The Ad Hoc Committee approved articles 1 and 5 of the draft Convention, without amendment, and provisionally approved paragraphs 3 and 4 of article 2, as amended.

However, it decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text in the light of the results of future negotiations on other articles of the draft Convention that might have a bearing on the scope of the instrument. The Ad Hoc Committee approved subparagraphs (b)-(i) of article 2 *bis*, as amended, but decided to keep the current text of subparagraph (a) as the basis for further consideration, also in connection with article 2 of the draft Convention. The Ad Hoc Committee also decided to reconsider the substance of subparagraph (k) of article 2 *bis* when finalizing the text of article 4 *bis* of the draft Convention. In the discussion on the definition of the term "structured group", the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that the term was to be used in a broader sense and that it would include both groups with a hierarchical or other elaborate structure and non-hierarchical groups where the roles of the members of the group need not be formally defined. There need not be continuity in the composition of the group. However, the term would not include groups formed on an ad hoc basis for the immediate commission of an offence, such as groups formed randomly in the course of a riot. The Ad Hoc Committee also approved articles 3 and 6 of the draft Convention, as amended. In connection with article 3, the delegation of Colombia was concerned about the formulation of paragraph 3, which could be interpreted as permitting unilateral declarations by States Parties that might amount to reservations. In connection with paragraph 4 of article 6, on early release or parole, the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that paragraph 4 would not oblige States Parties to provide for early release or parole of imprisoned persons if the legal systems of the States Parties in question did not provide for early release or parole. It was the understanding of the Ad Hoc Committee that paragraph 4 would not apply to those legal systems which did not foresee the possibility of early release or parole. The Ad Hoc Committee decided that, at a later stage in its deliberations, it would ensure consistency in the wording of clauses containing references to national legal principles or systems. The progress achieved by the Ad Hoc Committee at its seventh session was reflected in a new version of the draft Convention.

31. At its sixth session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its seventh session, from 24 to 27 January 2000, to the consideration of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its eighth session. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

32. At its eighth session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.7) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.20). The Ad Hoc Committee discussed articles 2, 2 *bis* (subpara. (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention. Because of lack of time, article 4 *bis* was not discussed and was, therefore, deferred to the ninth session of the Ad Hoc Committee. The Ad Hoc Committee approved articles 4 *quater*, 7 *bis*, 7 *ter*, 17, 18 and 18 *bis* of the draft Convention, without amendment, and provisionally approved articles 4 (with the exception of subparagraph (c) of paragraph 2, which remained under review), 4 *ter*, 7, 17 *bis* and 18 *ter*, subject to the resolution of some issues that would need to be discussed in the light of the finalization of other provisions of the Convention, in particular article 2. The Ad Hoc Committee discussed article 2 of the draft Convention. It decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text at its ninth session. It also decided to use as a basis for further consideration of those paragraphs the text proposed by Singapore.

Regarding article 2 *bis* (subpara. (a) only), the Ad Hoc Committee decided to retain the text unchanged and to reflect the debate in the footnotes accompanying the text.

33. At its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held at its eighth session from 28 February to 2 March 2000 to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

2. Elaboration of the additional international legal instrument against trafficking in persons, especially women and children

34. At its second session, the Ad Hoc Committee had requested the Secretariat to clarify whether, by considering trafficking in persons, the Ad Hoc Committee would be departing from the mandate given to it by the General Assembly and, if that were the case, whether it would be competent to do so. The Secretariat consulted the Senior Legal Liaison Officer of the United Nations Office at Vienna and brought his response to the attention of the Ad Hoc Committee at its third session. According to the Senior Legal Liaison Officer, in its resolutions 53/111 and 53/114, the General Assembly had clearly defined the subjects for which new instruments were required. If the Assembly had wanted any other subjects to be included, it would have said so. Moreover, the recommendations of the Economic and Social Council (in its resolutions 1998/14 and 1998/20), which formed the basis for the Assembly resolutions, referred to trafficking in women and children and not to trafficking in persons. Those resolutions had been adopted unanimously and the terms used therein reflected the desires of the Assembly. If, however, the Ad Hoc Committee, after considering the issues before it, had come to the conclusion that, instead of developing an instrument addressing trafficking in women and children, it would be in the general interest to develop an instrument dealing with trafficking in persons, it might wish to request the Assembly to modify its mandate in that connection. States might take advantage for that purpose of the eighth session of the Commission, which was running in parallel to the third session of the Ad Hoc Committee. In its resolution 54/126, the General Assembly decided that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requested the Ad Hoc Committee to make any corresponding changes to the draft instrument.

35. At its second session, the Ad Hoc Committee had carried out a first reading of articles 1 and 2 of the draft Trafficking in Persons Protocol. At its fourth session, it carried out a first reading of articles 3-7, basing its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.3/Rev.2). The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol.

36. Issues related to the draft protocol were also discussed during the informal consultations held during the fifth session of the Ad Hoc Committee.

37. At its sixth session, the Ad Hoc Committee discussed the draft Protocol, with particular emphasis on articles 8-18. The Ad Hoc Committee decided to base its work on the restructured version of the revised draft Protocol contained in document A/AC.254/5/Add.13, as had been recommended by the informal consultations held during the fifth session of the Ad Hoc Committee, and on other proposals and contributions submitted by Governments (A/AC.254/5/Add.16). At its sixth session, the Ad Hoc

Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft Protocols. The progress achieved on the draft Trafficking in Persons Protocol by the Ad Hoc Committee at its sixth session (A/AC.254/L.128/Add.3) was reflected in a new version of the draft Protocol. Also at its sixth session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its seventh session, from 18 to 21 January 2000, to consideration of the Trafficking in Persons Protocol, and common provisions of that instrument and the Migrants Protocol. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

3. Elaboration of the additional international legal instrument against illegal trafficking in and transporting of migrants

38. The Ad Hoc Committee discussed the draft migrants Protocol at its fourth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.1), which had incorporated the progress achieved during the preliminary review of the draft Protocol carried out at the first session of the Ad Hoc Committee. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 1-5 of the revised draft text. The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol. The consideration of certain provisions in the draft text gave rise to a general discussion that revolved around the purpose and focus of the instrument. Some representatives expressed concern about the potential unintentional misuse of the Protocol, which could have an adverse effect on migrants, and in that context questioned its desirability. In that connection, several references were made to the mandate of the Ad Hoc Committee, as contained in General Assembly resolutions 53/111 and 53/114. The Chairman summarized the discussion by reiterating the understanding that the Protocol was inextricably linked to the Convention, that its focus was on the prevention and suppression of smuggling of migrants and that special attention should be paid to establishing an abundantly clear distinction between the criminalization of trafficking and the protection of the victims of that activity.

39. At the fourth session of the Ad Hoc Committee, the representative of Ecuador made a statement on behalf of the Group of Latin American and Caribbean States. The Group expressed its appreciation to the United Nations High Commissioner for Human Rights for the informal note she had submitted to the Ad Hoc Committee (A/AC.254/16) and recalled that the Protocol should be directed at combating illegal trafficking in migrants and protecting the rights of migrants. The Group also shared the view expressed by the High Commissioner that respect for the basic rights of migrants did not prejudice or otherwise restrict the sovereign right of all States to decide who should or should not enter their territories. According to the Group, the Protocol could not be used as an instrument for criminalizing migration, which was a social and historical phenomenon, nor should it stimulate xenophobia, intolerance and racism.

40. Issues related to the draft Protocol were also discussed during the informal consultations held at the fifth session of the Ad Hoc Committee.

41. At its sixth session, the Ad Hoc Committee discussed articles 7-19 of the draft Protocol. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.15). The Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions

between the draft Convention and the draft Protocols. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Protocol.

42. The Ad Hoc Committee discussed the draft Migrants Protocol at its eighth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.21). The Ad Hoc Committee continued its second reading of the draft Protocol. The progress achieved in negotiating the draft Protocol by the Ad Hoc Committee at its eighth session was reflected in a new version of the draft Protocol.

4. Elaboration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

43. The Ad Hoc Committee had decided to devote one day at its third session to the consideration of the draft Firearms Protocol. The Ad Hoc Committee based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.1) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.5). The Ad Hoc Committee had carried out a first reading of articles 1-8 of the draft text at its first session. Pursuant to a suggestion by its Chairman, the Ad Hoc Committee completed the first reading of the draft text, beginning with article 9. The Ad Hoc Committee refrained from considering the final clauses of the draft instrument (i.e. articles 18 *ter*-19 *bis*), in the interest of consistency and of making full use of the time available to it, as those articles were considered standard in international instruments and depended on the outcome of the negotiations on similar provisions of the Convention. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Protocol.

44. The Ad Hoc Committee discussed the draft Protocol at its fifth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.2) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.10). The Ad Hoc Committee carried out a second reading of articles II-V and VIII of the revised draft text. The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol.

45. The Ad Hoc Committee discussed the draft Protocol at its seventh session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.18). The Ad Hoc Committee was informed of a legal opinion provided by the Office of Legal Affairs of the Secretariat regarding the interpretation of General Assembly resolution 54/127. Following a discussion on the matter, the Ad Hoc Committee decided to remove references to explosives from the draft Protocol. The Ad Hoc Committee completed its second reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft Protocols thereto. The progress achieved on the draft Protocol by the Ad Hoc Committee at its seventh session was reflected in a new version of the draft Protocol.

46. At its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its eighth session, from 22 to 25 February 2000, to consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The

recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

5. Implementation of General Assembly resolution 54/128, entitled "Action against corruption"

47. At its sixth session, the Ad Hoc Committee had decided to consider the implementation of General Assembly resolution 54/128, entitled "Action against corruption", at its seventh session. In that resolution, the Assembly had requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations Convention against Transnational Organized Crime, to be developed after the finalization of the Convention and the three Protocols thereto, and to present its views to the Commission on Crime Prevention and Criminal Justice.

48. The Ad Hoc Committee was of the view that an effective international legal instrument against corruption was desirable. It agreed that such an international instrument should be independent of the United Nations Convention against Transnational Organized Crime and that its drafting should commence following the completion of the negotiations on the draft Convention and the draft Protocols thereto. The Ad Hoc Committee was of the view that the terms of reference and outline of scope of the new instrument should be based on sound preparatory work, which would include a thorough review and analysis of all relevant international instruments and recommendations. The analysis should be undertaken by the Secretariat in consultation with Member States and should be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session. The Ad Hoc Committee discussed whether the General Assembly should be requested to extend the current mandate of the Ad Hoc Committee to enable it to develop the new instrument, on the basis of a recommendation by the Commission to the General Assembly. It was noted that, in considering that matter, it would be advisable for the Commission to take into account the experience and expertise acquired by the Ad Hoc Committee in developing the draft Convention and its draft Protocols, as well as the need to build on the success of the Ad Hoc Committee in dealing with such complex matters. It was agreed that the Ad Hoc Committee would transmit its views and recommendations on the implementation of resolution 54/128 to the Commission at its ninth session for appropriate action.

III. Action by the Commission

49. The Commission may wish to provide its views on the progress achieved by the Ad Hoc Committee thus far in the implementation of its mandate. In particular, the Commission may wish to take appropriate action with regard to the implementation of General Assembly resolution 54/128, in the light of the views of the Ad Hoc Committee expressed above. The Commission may also wish to explore ways of supporting the work of the Ad Hoc Committee in order to ensure that the latter performs its assigned tasks in accordance with the terms prescribed by Member States in the pertinent General Assembly resolutions.